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ANDREW JACKSON

PRESIDENT OF THE UNITED STATES.

BIOGRAPHY

OF

ANDREW JACKSON,

PRESIDENT OF THE UNITED STATES,

FORMERLY

MAJOR GENERAL

IN THE

ARMY OF THE UNITED STATES.

BY PHILO A. GOODWIN, ESQ.

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PREFACE.

THIS volume is not presented to the public in ignorance of the fact, that at a period of high political excitement like the present, its reception by many will be rather ungracious. Of this, we are not disposed to complain, although it has been our studious endeavor in the preparation of this work to avoid every thing obnoxious to the political opponents of Andrew Jackson; unless, indeed, the defence of his public acts, interwoven with the detail of them, should produce this effect.

It may be a matter of inquiry, why another volume, detailing the leading incidents in the life of an individual so favorably and universally known as that of Andrew Jackson, should be added to the multiplicity of works that have already appeared upon the same subject. Under circumstances differing from those in which it appears before the public, an answer to the inquiry could not perhaps be satisfactorily made. But it will be recollected that the biographical details of his public life, of any note, heretofore published, appeared immediately after the termination of his brilliant military career. The important advantages which the exercise of his talents and courage had achieved for

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his country in the fortunate termination of the border wars with the savage nations on our southwestern frontier, and those of a still greater magnitude resulting from his single triumph over our civilized foes, were then almost universally appreciated by his countrymen. They saw, they felt and acknowledged, that the benefits his valor had won, were of no puerile or ordinary description, and with the fulness of their appreciation of them, their gratitude was commensurate. The mutterings of censure were indeed occasionally heard, but they were soon silenced by the light of truth and the wholesome rebuke of public sentiment. But emotions of gratitude for favors received, are often weakened by time, or supplanted by interest or prejudice, which may account for the fact of subsequent attempts being made, to depreciate the merits of one of America's most distinguished sons, and of whom the nation may be justly proud. His acts, and the motives which prompted them, have been denounced, and before the tribunal of public opinion been subjected to the severest scrutiny and the strictest investigation; and his fame has passed the ordeal, with a lustre still brighter and more imperishable. Our object has been to present a history of his actions in the light in which this investigation has placed them;—to what extent we have succeeded, an impartial public will decide.

"When the community entertain different views of the conduct or motives of an individual, who has acted in a highly responsible capacity, it is extremely difficult to concentrate opinion by presenting a series of truths. Prejudice operates with peculiar force on one class, while the other, however well convinced of

their error, are unwilling to be thought inconsistent, and, therefore, never acknowledge the falsity of the course of reasoning they have once adopted." We are not, therefore, unaware of our exposure to censure, in the publication of this work, from those who may not subscribe to the character delineated of its subject. But the task has been begun and completed with purity of motive and honesty of purpose, and whatever animadversion may fall to our share, we trust will be met in a becoming spirit of forbearance. We have not the vanity to believe that any thing it contains will influence a solitary individual in his opinion of the merits or demerits of Andrew Jackson for the station he now occupies; yet we have the satisfaction of reflecting, that the suspicion of being influenced by such a motive, can with no degree of justice be imputed to us, for its circulation, whatever it may be, will have only commenced before his political destiny will have been decided.

For the imperfections of this work, our readers will undoubtedly exercise a proper degree of indulgence —It is before them, and will have its day—it will receive its meed of approbation and censure, and be forgotten; but the fame of the illustrious man, who is the subject of it—his exalted patriotism—his Roman virtue—his unyielding firmness when surrounded by the most disheartening and inveterate difficulties —his skill and energy in planning and completing the defence of his country, in the seasons of her greatest peril—his daring courage in the day of battle—his upright and fearless discharge of the highly responsible duties appertaining to the presidency of this mighty communion of states, will live, as noble ex-

amples, inspiring the love of glory and virtue, long after the present generation of men, their hopes and fears, their joys and sorrows, are mingled with the dust of buried ages.

For the materials which compose this work, we have availed ourselves of every thing within our reach, whether furnished by friends or enemies. For the defence of several of General Jackson's public acts, we are indebted to an able writer of Virginia. A small portion of the detail is in the language of others who have heretofore written on the same subject, and which has been used without the usual mark of credit; other characteristics, however, will readily distinguish it. An appendix had been contemplated, for an amplification of some of the parts which constitute the body of the work: the extension of the volume, however, beyond its original design, has rendered its omission necessary.

THE AUTHOR.

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CHAPTER I.

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WHENEVER an individual, by the force of his own peculiar talents and energy, has raised himself from obscurity to the highest attainable summit of earthly distinction, a curiosity, very natural in itself, is engendered, to learn something of his early history; to trace the first workings of a mind, whose conceptions have laid the foundation, and whose perseverance has raised before the admiring gaze of the world, a monument of undying fame. This indulgence often proves unsatisfactory, as instances are numerous of men whose maturity has developed powers that have commanded the admiration of the world, who, in early life, gave no indication of future greatness. The province of the biographer, however, in commencing the life of his subject, is always the same, whether the early years of his hero were rife with spirit-stirring indi-

cations of exalted intellect, or exhibited nothing above the ordinary endowments of men.

Andrew Jackson was born at Waxaw, district of Marion, in the state of South Carolina, on the 15th of March, 1767. His father was a native of Ireland, and emigrated to America with his family, a wife and two sons, in 1765. The object of his emigration was, to escape from the oppressions which were at that period heaped by the English government upon the middle and lower classes of that ill-fated country. He died about two years after his emigration, and thus escaped British tyranny; which, unsatiated with its victims in Europe, followed soon after, and planted its hideous front upon the American shores. He left three sons, of whom Andrew was the youngest, in a strange land, in the helplessness of infancy and childhood, to the care of their widowed mother, who executed the arduous task of nurturing her children, in a manner that reflected the highest credit upon her persevering fortitude, and exemplary devotedness to the exercise of the best impulses of the human heart. Her pecuniary resources were limited; yet, by judicious management, she was enabled to give her two eldest sons the rudiments of a common education. Andrew she designed for the ministry; and, with this view, he was admitted as a student in an academical institution, where the languages and the higher branches of literature were taught. Here he commenced the study of the classics; and he would probably have proceeded to effectuate the object designed, had he not been interrupted by a train of events, which constitute the brightest era in American history. We allude to the war of the Revolution. The history of the world furnishes no parallel, in which a contest has been maintained between high handed oppression, and a total disregard of

the rights of man on one part, and a determined and persevering resistance of the oppressed on the other, and which terminated so gloriously, as is exhibited in the revolutionary struggle of our fathers. No portion of the colonies suffered more from British invasion, than the southern states. A considerable portion of them was for a time completely overrun, and subjected to the cruelties and indignities of a merciless soldiery. The eldest brother of Andrew joined the army, and was killed at the battle of Stono. Andrew Jackson, with his only surviving brother, joined the American forces soon after, in defence of their country and their homes, the former being only fourteen years of age.

The southern colonies were, at this period, extremely defenceless. Lord Cornwallis, the commander of the British forces, found but little resistance in the commission of his depredations, from those whose lives and liberties he was trampling in the dust; consequently, he left the country, and proceeded to the north, in pursuit of a more extensive field for the exercise of his exterminating propensities, taking the precaution, however, of leaving behind him a band of his myrmidons, sufficiently numerous to awe the vanquished into subjection. On the departure of Cornwallis, the inhabitants of Waxaw, who had been dispersed by his troops, ventured again to return and repair the ruins of the place, and take measures for their defence. Camden was at this period in the possession of Lord Rawdon, whose vigilance, worthy of a better cause, was awakened by news that the inhabitants of Waxaw, whom he supposed to have been effectually exterminated, were again preparing for defensive operations. It is well known, that in this contest the Americans were considered as rebels, who had raised the standard of revolt, and set at defiance the su-

premacy of their legitimate sovereign. That interchange of courtesies, usually practised by belligerent nations, was entirely dispensed with; consequently, the contest was maintained, on the part of Great Britain, with a spirit of barbarity and cold-blooded extermination. Actuated by these principles, Lord Rawdon availed himself of the assistance of the American Tories, whom he dispatched with a detachment of British dragoons, under the command of Major Coffin, to the destruction of Waxaw. The inhabitants were determined to defend themselves, though the prospect of ultimate success was nearly hopeless. They assembled, and were entrenching themselves in their church, when they were suddenly surprised by the British troops. Eleven of their number were taken prisoners and the residue escaped. Among the latter were Andrew Jackson, and his brother. They were captured, however, on the ensuing day, and an incident then occurred, which developed the germings of a spirit, which has since prompted its possessor to the accomplishment of deeds of noble daring. Every species of indignity was practised upon the American prisoners, and, with other ill-treatment, young Jackson was ordered to clean the boots of a British officer. He indignantly refused to obey the debasing command, and demanded the treatment due to a prisoner of war. The officer, enraged at the boldness of the refusal, made a violent pass with his sword at the head of the youth, which he parried with his hand, and received a severe wound in consequence. This may, to many, seem a trifling incident; but when we reflect that he was only fourteen years of age, and the prisoner of men who butchered their opponents with a recklessness unknown in the annals of modern warfare, his manly firmness and exalted sense of honor cannot, it is believed, fail to elicit the meed of admiration.

The fate of his brother was more tragical. He was severely wounded upon the head, after being taken prisoner; and in this condition he was, with his brother Andrew, thrown into prison, and confined by the order of his captors in a separate cell. Here he remained neglected, his wounds undressed, shut out from the assistance and sympathy of a single individual who could have extended to him the hand of relief, till an exchange of prisoners took place, when he was returned to die under his mother's roof. The neglect of his wound while in prison, produced an inflammation of the brain, which terminated in death. We cannot here forbear paying a small tribute to the memory of the excellent mother of Mr. Jackson. She had remained in Europe, till British oppression threatened to overwhelm her family. She then, with her husband and children, sought an asylum on the American shores; but even here the same oppressors followed her. A lone widow, in a land of strangers, she succeeded in rearing her children to the dawn of manhood, only to see them fall by the hands of a merciless enemy. The last efforts of her life were spent in mitigating the sufferings, and extending relief to the prisoners who were captured in her neighborhood:—but when she saw her children fall—those whom in the ardor of maternal affection she had so fondly nurtured—the ties which bound her to earth were broken, and the grave closed upon her as it had done upon her murdered offspring.

Mr. Jackson, at the age of fifteen, found himself alone in the world, a sad spectator of the desolations that had visited his family. Divorced from every living being with whom he could sympathize as a kinsman, he might speak in the emphatic language of the chieftain, the last of whose relatives had been slain in battle,—"that not a drop of his blood ran in the veins of any living creature." The sud-

den extinction of his family bore heavily upon him; his sufferings and imprisonment had impaired his constitution; and, to complete the measure of his misfortunes, he was violently seized with the small-pox, which nearly terminated his life. The vigor of his constitution, however, triumphed over the virulence of his disease, and restored him again to health. He succeeded to the patrimony of his father, which, though small, would, with prudent management, have enabled him to complete his studies, and to enter upon the duties of mature life with many pecuniary advantages. But those endowments which serve to elevate men to distinction, are seldom found connected with talents of economy in money matters. At least, it was thus with Mr. Jackson. Generous to a fault, he soon reduced his estate to a diminutiveness, which threw him at once upon the resources of his own mind, and compelled him to become the architect of his own fortunes. He resumed his literary pursuits at the age of sixteen, under the tutelage of Mr. M'Culloch, and endeavored, by severe application to his studies, to restore what he had lost by various interruptions. With him he completed the study of the languages, preliminary to his entrance at the university; but the diminution of his pecuniary resources induced him to relinquish his original design of acquiring a classical education. At the age of seventeen he commenced the study of law at Salisbury, North Carolina, in the office of Spruce M'Kay, Esq.; and completed it under the supervision of John Stokes, Esq., both lawyers of distinction, and was admitted a practitioner at the bar of that state in 1786. He practised in the courts of the state two years; but not finding professional prospects sufficiently flattering to induce him to remain, he resolved to push his fortunes in the west.

The present state of Tennessee was, at this period, a territorial government of the United States, called the South West Territory, having been recently organized by Congress. The climate was salubrious, the soil was fertile, and it was rapidly advancing, from a wild region, to a state of civilization. Here we find Mr. Jackson in 1788. The honorable Judge M'Nairy was appointed judge of this territory in the fall of this year, and was accompanied by Mr. Jackson to Nashville, at which place they arrived in October, when the first court was holden. He here found himself among a people widely different in manners, customs, and habits, from those he had recently left. In the older states, when one generation of inhabitants has followed another in regular succession, there are always some distinguishing characteristics in the whole population. But in the new states, an established character in the people would hardly be discoverable, if we except energy and personal independence. In those parts of the republic which have been settled for two centuries, a family, a monied, or a landed aristocracy, can always be discovered. The many become subservient to the few, and subjugate their minds to those who, by wealth or power, have obtained an ascendancy over them. In such a state of society, an insulated being like Andrew Jackson, without the influence of friends to aid him, or funds to procure them, could hardly hope, with the most exalted intellect, to arrive at a station either of emolument or profit. Circumstances are widely different in the new states. Drawn together from different sections of an extensive country, by motives of interest, of power, or of fame, each individual may almost be said to make a province by himself. In such a situation, the most energetic character becomes the object of the greatest popular favor. Mr. Jackson was well calculated

to move in this sphere of action. Without any extrinsic advantages to promote his advancement, he had solely to rely upon intrinsic worth, and decision of character, to enable him to rise rapidly. He commenced the practice of law in Nashville, at the age of twenty-one, and soon distinguished himself among his competitors. His stern integrity, and unremitting attention to business, recommended him to the notice of government, and procured for him the appointment of Attorney General of the territory. This office he sustained for a considerable length of time, with much reputation to himself.

The South West Territory, in 1796, was admitted a sovereign and independent state into the Union, and took the name of Tennessee. The people were then called upon to exercise a highly responsible act of self-government—that of forming a constitution, as the supreme law of the state. Mr. Jackson was chosen a member of the convention, called to discharge this important duty. Although he had become known to the most distinguished citizens of the country, his exertions in this convention brought him into more universal notice, by the distinguished part he took upon this important subject. The course of his studies had previously led him to the investigation of the science of government, from the earliest ages down to the period in which he lived. With the rise, progress, and termination of the ancient republics, he had made himself familiarly acquainted; he had witnessed the operation of the American constitution, and those of the different states, from their first establishment to the period in which he acted. With a mind thus prepared to meet the important discussion, he took lead in the debates upon the different articles of the proposed constitution. To those who are acquainted with the constitution of the state of Tennessee, the precision with which the legislative, the

judiciary, and executive powers are designated; the care manifested in securing to the people their civil rights; the freedom allowed in the exercise of the rights of conscience, must be obvious, and much credit is due to Mr. Jackson, for his efforts in producing so desirable a result. As a proof of their approbation of his services, the people of Tennessee elected him their first representative in Congress. His popularity continued to increase, and in 1797 he was elected to the Senate of the United States. His congressional life was distinguished for a firm adherence to republican principles; and in the senate, he voted for the repeal of the alien and sedition laws. His affairs in Tennessee requiring his attention, induced him to resign his seat in the senate before the session closed. He accordingly returned; and soon after, contrary to his inclinations, he was appointed judge of the Supreme Court. After discharging its duties for a while, he resigned the station, and retired to private life.

It was during the recess between this period, and the commencement of Mr. Jackson's brilliant military career, that the Union was agitated by the development of the famous Burr conspiracy. Mr. Jackson has by no means escaped the missiles of malice and detraction, which are usually aimed at men of distinguished attainments. It was not until a recent period, that Mr. Jackson was accused of being a participator in this conspiracy. This charge was most triumphantly refuted as soon as preferred; and though it is not our intention to notice the many unfounded charges that have been exhibited against him, yet we should deem it the greatest injustice to our readers, as well as to our illustrious subject, should we fail here to record the ample proofs which so effectually wipe out the stain, which is intended to blot the fair escutcheon of a much injured patriot. Mr. Jackson was charged with the

crime of treason—of being connected with Aaron Burr in a conspiracy to sever the union of these states.

Before we proceed with the evidence in refutation of this unprincipled calumny, we will premise that General Jackson, while in the Senate of the United States, became well acquainted with Col. Burr; that then and long after, Col. Burr stood high in the favor and estimation of the republican party in the United States; that he had acquired the good feelings of the West, by his great attention to its interests, and particularly of Tennessee, by his activity in procuring her admission into the Union; and that up to the month of November, 1806, nothing like suspicion of treason, or of any project unfriendly to the peace or integrity of the United States, had any existence in this country; though Mr. Jefferson, in his message of January 22nd, 1807, declared, "that he had received intimation that designs were in agitation in the Western country, unlawful and unfriendly to the peace of the Union, and that the prime mover in these, was Aaron Burr, heretofore distinguished by the favor of his country." The grounds of these intimations being inconclusive, the objects uncertain, and the fidelity of the country known to be firm, the only measure taken was to urge the informants to use their best endeavours, to get further insight into the designs and proceedings of the suspected persons, and to communicate them to the President.

A full development, however, of Burr's designs, soon became manifest. "It appeared that he contemplated two distinct objects, which might be carried on jointly or separately, and either one or the other, as circumstances should direct. One of these was the severance of the Union of these States by the Allegany Mountains; the other an attack on Mexico. A third object was provided, merely ostensible, to wit, the settlement of a pretended purchase of a tract of country on the Washita, claimed by Baron

Bastroph. This was to serve as the pretext for all his preparations, an allurement for such followers as really wished to acquire settlements in that country, and a cover under which to retreat in the event of a final discomfiture of both branches of his design."

"He found at once, that the attachment of the Western Country to the union was not to be shaken; that its dissolution could not be effected with the consent of its inhabitants, and that his resources were inadequate, as yet, to effect it by force. He took his course then at once, determined to seize on New Orleans, plunder the bank there, possess himself of the military and naval stores, and proceed on his expedition to Mexico, and to this object all his means and preparations were now directed. He collected from all the quarters where himself or agents possessed influence, all the ardent, restless, desperate, and disaffected persons, who were ready for any enterprise analogous to their characters. He seduced good and well-meaning citizens, some by assurances that he possessed the confidence of the government, and was acting under its secret patronage; a pretence which procured some credit, from the state of our differences at that time with Spain, and others by offers of land in Bastroph's claim on the Washita."

This was the state of the information, received by President Jefferson, towards the close of November, 1806; and on the 27th of that month, in consequence of the receipt of intelligence of the conspiracy by Gen. Wilkinson's letter, he issued his proclamation. The President not being apprized at that time, that any boats were building on the Cumberland river, the effect of this proclamation was for some time trusted to in the state of Tennessee; but on the 19th of December, similar communications, and instructions, with those to the neighboring states were dispatched by express, to the governor and general officer of the Western Division of the state; and on the

23d of December, the confidential agent of the government left Frankfort for Nashville, to put into activity the means of that state also.

Although some might suspect Colonel Burr to be engaged in schemes of pecuniary or personal aggrandizement, and might disapprove of them, and he might then have become a subject of suspicion, to some extent, yet no one suspected them to be in any degree hostile to the government of the United States; and most persons in the West believed that his designs were countenanced, and in their execution would be supported by the government. This idea was supported by the existing state of our relations with Spain, and the belief that a war with that power was impending—a war which, at that time, would have been popular in the Western States.

The charge against General Jackson, was made by Judge Williams of Tennessee; who stated that sometime before Mr. Jefferson's proclamation, he was told by General Jackson, that if Williams would accept it, he might obtain the commission of captain in Burr's army; and that at another time, he declared to him that he would find that a division of the United States had taken deep root; and that he would find a number of the members of the House of Representatives deeply involved in the scheme. The lamentable inaccuracy of the statements of Mr. Williams, will, it is believed, appear abundantly manifest from the following well authenticated facts, in relation to the circumstances of General Jackson's situation, at the period of that conspiracy.

We will introduce to our readers, General Jackson's letter to George W. Campbell, then a representative in Congress from Tennessee, dated January 15th, 1807, not because it is first in date of several proofs that will be presented, but because it contains a connected and continuous relation of General Jackson's knowledge, and

conduct, with regard to Colonel Burr; a plain and manly narration, containing in itself a vindication, which must prove satisfactory and conclusive to every honest and well constituted mind; from which, sophistry and incredulity will alike shrink back, foiled and overcome; and which, when supported in all material points, by other direct evidence which will be given, must carry conviction to every honest and unprejudiced heart.

The following is a copy of a letter from Andrew Jackson, to G. W. Campbell, January 15th, 1807.

"Sir,—The late denunciation of Aaron Burr as a traitor, has excited great surprise, and general indignation. Still, from the opinion possessed of the accuser, many there are who wait for the proof, before they will pronounce him guilty of the charge. One thing is generally believed, that if Burr is guilty, Wilkinson has participated in the treason. The public mind has been agitated from various reports of Burr having been met, at the mouth of Cumberland river, with 100 boats, and 1000 armed men; and it was stated as a fact, that the Captain at Massac, and all the men, were going with him. Subsequent reports stated they had gone. An express which I started on the receipt of the Secretary of War's letter, of the — ult. has returned, and states that Burr left Massac, on the 3d ult., in company with ten boats, six men on board each, without arms, or any thing that can afford suspicion; and that Captain Bissell has been doing his duty, as a vigilant officer. I had ordered out twelve companies of volunteers, on the receipt of the Secretary of War's letter, to check the adventurers, which, on the return of express, I dismissed. I have no doubt, but from the pains that have been taken to circulate reports, it will be rumored that I am on full march, to unite with Burr. This I know you never will believe, until you hear it from myself; or from such a source that you know can-

not err. Should you ever hear, that I am embarked in a course, inimical to my country, believe it not. Should you hear that any treasonable intentions have come to my knowledge, and that I have been silent, believe them not; or that I would not put any man out of existence, who would name such a thing to me, without on the grounds of discovering it to the proper authorities. If Burr has any treasonable intentions in view, he is the basest of all human beings:—I will tell you why, he always held out the idea of settling Washita, unless a war with Spain; in that event, he held out the idea, that from his intimacy with the Secretary of War, he would obtain an appointment, and if he did, would revolutionize Mexico.

"About the 10th of November, Captain ——— called at my house, and after the stay of a night and part of a day, introduced the subject of the adventurers, and in part stated, that their intention was to divide the Union. I sternly asked how they would effect it; he replied, by seizing New Orleans and the bank, shutting the port, conquering Mexico, and uniting the western parts of the Union to the conquered country. I, perhaps with warmth, asked him how this was to be effected; he replied, by the aid of the federal troops with the general at their head. I asked if he had this from the general; he said he had not. I asked him if Colonel Burr was in the scheme; he answered, he did not know, nor was he informed that he was; that he barely knew Colonel Burr, and never had any conversation with him. I asked him how he knew this, and from whom he got his information; he said from ——— in New York. Knowing that Colonel Burr was well acquainted with ———, it rushed into my mind like lightning, that Burr was at the head, and from the colorings he had held out to me, Generals Robertson and Overton, and the hospitality I had shown him, I viewed it as base conduct to us all; and heightened the

baseness of his intended crimes, if he really was about to become a traitor. I sat down and wrote to General Smith and Doctor Dickinson; I wrote to Governor Claiborne to put his citadel in a state of defence, without naming any person except General Wilkinson. When this was done, I wrote Colonel Burr in strong terms my suspicions of him, and until they were cleared from my mind, no further intimacy was to exist between us. I made my suspicions known to Generals Robertson and Tatum, with some others. Not long after, I received his answer, with the most sacred pledges, that he had not, nor never had, any views inimical or hostile to the United States; and whenever he was charged with the intention of separating the Union, the idea of insanity must be ascribed to him. After his acquittal in Kentucky, he returned to this country, and to all who named the subject, made the same pledge, and said he had no object in view, but such as was sanctioned by legal authority; and still said, that when necessary, he would produce the Secretary of War's orders;—that he wanted only young men of talents to go with him; with such he wished to make his settlement, as it would have a tendency to draw to it wealth and character. For these reasons, from the pledges made, if he is a traitor, he is the basest that ever did commit treason; and being torn to pieces and scattered to the four winds of heaven, would be too good for him. But we will leave him for time and evidence to verify his hue. I have given you the outlines, and in a few weeks will give the proof. A. JACKSON."

This letter was shown, immediately on its receipt, to Mr. Jefferson, and by him copied. From this, the reason is obvious why Burr's name was not mentioned in General Jackson's letter of the 12th of November, 1806, to Claiborne; the information obtained by Jackson, extended only to the commander of the United States troops;

the connexion of Burr with him, was a mere conjecture of his own; therefore it is, also, that in the letters of General Smith and Doctor Dickson, senator and representative in Congress, he speaks of his apprehensions of an attempt to sever the Union, and with reference to Burr, in separate paragraphs.

Every act and sentiment of General Jackson's life, is marked with the deepest horror of any opinions, or acts, or persons, favoring a severance of the states; and upon this subject he always has displayed a more than ordinary sensibility: no wonder, then, that he may, before Judge Williams and others, have expressed, in strong language, his apprehensions in relation to it, when he was communicating every week the same fears and anxieties to the general government through our members of Congress. But no man, not even Judge Williams, has ever dared to testify, that Jackson ever expressed approbation of such designs, or that he ever expressed any other sentiment than that which he announced emphatically in his letter of November 12th, 1806, to Governor Claiborne—"I will die in the last ditch before I would yield a foot *to the Dons*, or see the *Union disunited*." A heroic and sublime annunciation, which subsequent events have stamped with the seal of unquestionable verity, and proved to be no vain flourish; and that whether the enemy of his country was the Don, the savage, or the Briton, his life was always ready to be offered up as a willing sacrifice for her safety and glory. General Jackson's letters to the Honorable Daniel Smith, and Doctor William Dickson, of November 17th, 1806, are expressive of the same views and sentiments upon the subject of the conspiracy.

When the charges against General Jackson, of being engaged in the Burr conspiracy, were first publicly made, a committee was appointed in Nashville, for the

purpose of a thorough investigation of the subject; which resulted in the triumphant vindication of the former, from all suspicions of a participation in that foul plot. Statements from a large number of individuals of the highest respectability in Tennessee, who were intimately acquainted with the circumstances attending that conspiracy, are explicit and conclusive in exoneration of General Jackson from all concernment in it. We have room only for a few of the statements, and the concluding remarks accompanying the report of the investigating committee.

The testimony of General Coffee and Colonel Ward was brought before that committee, and is completely explanatory of all the circumstances connected with building boats for Colonel Burr; the ostensible designs and objects held out by him, the reasons of his favorable reception in Tennessee by General Jackson, General Robertson, and many other distinguished persons of the country; the origin and extent of the suspicions as to his objects; his last visit to the Clover Bottom near General Jackson's in December, 1806, his reception, &c.

The following is a copy of General Coffee's letter to the Nashville Committee.

"*Nashville, August* 28, 1828.

"By request of the Nashville Committee, I do hereby state, that Colonel Burr, while in Tennessee in 1805 and 6, represented his views to be the settlement of lands to the south, on the Washita river. He spoke of the probability of a rupture between the United States and Spain, in which event, the impression was, that he (Colonel Burr) would have command of an expedition against Mexico, under, and by the authority of the United States. Sometime after he had been in Tennessee in 1805, and left this impression, letters were received from him, as my impressions now are, by Generals Jackson and Robertson, requesting them to make out and forward to him

a list of such enterprising young men, as it was believed would serve the country well in the impending anticipated contest with Spain. Generals Robertson and Jackson, with sundry others of the old respectable citizens, did, for that purpose, meet in Nashville, and made out such list, and, as I supposed, sent it on to him. Colonel Burr's then standing in the western country (having lately filled the second office in the government) forbade the idea, that his contemplated measures were apart from the knowledge and approbation of the government. On his arrival here, and for sometime after, marked attentions were by all extended to him, and no suspicions were entertained that his plans and views were at all different from what they were represented by himself. With a view to the building of some boats, and procuring some provisions, there had been remitted to General Jackson the sum of three thousand and five dollars, which was placed in my hands, with a desire expressed, that I would attend to the request of Colonel Burr.

" This agency I accepted and performed, and made arrangements for purchasing some provisions, and the building by different persons of five flat boats, and the purchase of one keel boat. Subsequently, a further sum of five hundred dollars was put into my hands.

" Part of the funds, to wit, seven hundred dollars, as appears by reference to the memorandum of the expenditure, was paid over to Colonel William P. Anderson; wherefore, and for what account, this advance to Colonel Anderson was made, I have not now a sufficient recollection to speak with certainty. Suspicions having subsequently arisen, relative to the real objects and views of Colonel Burr, my agency in his affairs ceased, except to discharge the contracts that had previously been entered into. The balance of the remaining funds in my hands was paid over to Colonel Burr on his arrival in Tennes-

see, on the last visit he made here, in the month of December, 1806. I was at that time engaged in mercantile business, and these services were performed by me for Colonel Burr, as they would have been rendered to any respectable man; for I, nor any one else, that came to my knowledge, believed that he had objects to serve, other than were represented by himself.

"The particulars here detailed, are founded on papers now in my possession, written at the time, and in my own handwriting. In the month of December, 1806, Colonel Burr returned to Tennessee, where he was met coolly by those who before had acted very differently towards him. He perceived it, and remarked it to me; my reply in substance to him was, that suspicions rested against him, and until they were removed nothing different was to be expected.

"At the Clover Bottom, nine miles from Nashville, where I then did business, and which was the nearest point on the river to where his boats were, there was a tavern; and to this place Colonel Burr came and remained about a week, until he had gotten every thing in readiness for his departure down the river. On his first arrival in Tennessee, on his last visit in December, General Jackson was absent from home; having returned within a few days afterwards, the general came in company with General Overton, to the Clover Bottom, where Colonel Burr resided. An interview took place between them and Colonel Burr, at which they informed him of the suspicions and distrust that were entertained against him. Burr repelled them, and expressed deep regret that there should be any such; and remarked, that he could and would be able to satisfy every dispassionate mind, that his views and objects were friendly to the government, and such as he had represented them to be. In a few days after, he left the country.

"A son of Colonel Hays, about seventeen years of age, as has been represented, nephew to Mrs. Jackson, went along. His father had become reduced in his circumstances; had been personally known to Colonel Burr, during the revolution; and his son a young man of promise. It had been proposed to the old gentleman, that he should take him, and aid him in his education, which was consented to by his father. General Jackson gave him letters to Governor Claiborne, and instructed young Mr. Hays, as I understood at the time, that should he discover Colonel Burr's views to be at all inimical to the United States, or adverse to the designs of government, to leave him, and place himself under the protection and care of Governor Claiborne.

"Between General Jackson and myself, there has always existed confidence and friendship; and there was nothing ever perceived in him by me, that could induce the belief, that there was any man in the country who would go further, and make greater sacrifices, to defend and maintain the integrity of the Union. On all occasions, his conduct and declarations have stamped upon my mind this conviction. JOHN COFFEE."

The following is the testimony of Colonel Edward Ward:

"*Nashville, September* 2, 1828.

"At the request of the chairman of the Nashville Committee, I make the following statement. That General Thomas Overton, deceased, informed me within a few days after the occurrence, that so soon as the rumor reached this country, that Colonel Aaron Burr had treasonable designs against our government, he (General Overton) and General A. Jackson waited on Colonel Burr, who was then, I think, at Clover Bottom, and informed him of the rumor, and required of him to state to them what were his views or designs. This answer was

made, as he said, on the honor of a gentleman: 'That he had no views inimical to the government, none but what were known to the government and viewed with complaisance.' And as well as my memory serves me, showed them a commission in blank, with Mr. Jefferson's signature to it. EDWARD WARD."

This testimony requires no commentary: it is full and decisive.

"To show what views were expressed by Colonel Burr to General Jackson, and others, so early as the spring of 1806, and to explain beyond the reach of dispute, the time, nature, and import of any *possible* conversation which General Jackson may have held with Judge Williams, in relation to a commission, connected with any designs, or views of Colonel Burr, we will give extracts from a letter, written by the latter to General Jackson, dated 24th March, 1806, Washington city.

"After speaking of some general political subjects, and of the strong probability of a rupture with Spain,—'If these apprehensions (says he) should be justified by events, a military force on our post would be requisite, and that force might come from your side of the mountains. It is presumed that West-Tennessee could not spare more than two regiments. I take the liberty of recommending to you, to make out a list of officers, from colonel down to ensign, for one or two regiments. If you will transmit to me this list, I will, in case troops should *be called for*, *recommend it to the Department* of War, and I have reason to believe, that on such an occasion, my advice would be listened to.' General Coffee says, that in consequence of letters from Colonel Burr, to General Robertson and others, of *similar import*, a meeting was held in Nashville by General Robertson, General Jackson, and others of the most respectable men, and a list made out of such enterprising young men as it was

believed, would serve the country well, in the impending contest with Spain.

"This brings us naturally to the consideration of Judge William's statements—and here we cannot forbear to remark, on the danger and folly of attempting to bereave a man of his fame, and charge upon him one of the foulest crimes known to the law, upon loose, vague recollections of a casual conversation, said to have taken place upwards of twenty years ago, without any statement of the conversation in context with it; without any date, except with reference to a range of nine months of time; without any relation of the circumstances, which led to an insulated remark, so strange and incredible, if taken in the sense attempted to be attached to it by Judge Williams; statements made by a man, who, by his own admissions, his own showing, and yet more by what we shall show, is subject to the most inaccurate recollection; when the change, or omission, or addition of a single word, or the nature of the preceding or succeeding remarks, would entirely change the whole meaning and sense of what is stated to have been said."

The investigating committee, in order that ample justice might be done to Judge Williams' mind, consistency, and conduct, republished all that was written or published in relation to this conversation and to General Jackson; and also what had been published to be the substance of the letter written by him to his friend in Virginia.

Upon this they remarked, "that taking the whole of these documents, we have some data from which to estimate correctly, how far the clearness of Judge Williams' mind, and the impartiality of his feelings, qualify him for deposing accurately and fairly. We will look at them, first, with a view to the question, how much reliance is to be reposed in the accuracy and fairness of his statements and memory; and then, in prosecution of the

same inquiry, produce some additional evidence. Secondly; we shall show the extreme improbability, from Williams' own statement, that General Jackson ever could have made any propositions to him, in reference to any illegal or treasonable project; and lastly, the fallacy of the inferences which his pretended friends attempt to deduce from what he has said; and shew what Judge Williams has really stated as General Jackson's conversation with him, and what the conversation (if indeed there ever was one of any such nature) related to.

In his letter to Mr. Kerr, Judge Williams says, the conversation occurred upon his examination by General Jackson, then a Judge, as to his fitness to receive a license to practise law; but when he discovered by the records of the State that it would be proved, General Jackson was not, and had not, been a Judge for several years before this time, the conversation is divested of this circumstance in his subsequent statements. In the letter to Mr. Kerr, Judge Stewart is said to have heard this conversation as to the offer of a commission; but, when Judge Stewart, not only does not recollect any such conversation, but is sure none such was held in his presence, the scene of the conversation is then recollected by Judge Williams to have been a solitary ride from General Jackson's to Nashville. In his letter to General Jackson, Williams says, "General Jackson in reference to that conspiracy, or what *was afterwards* called by *others* a conspiracy, said to me that I could, if I would accept it, obtain a commission of captain." In his last statement, however, made and published in the Knoxville Enquirer of August 6th, 1828, he says, "in riding from General Jackson's house to Nashville, near the Clover-Bottom, he spoke to me in relation to a commission in Burr's army," leaving out the material idea of a reference to what was afterwards, as he says, called a conspiracy; showing thereby that

in these statements, Judge Williams does not pretend to detail with accuracy, the *words* or *terms* used in the conversation, but only the general impressions, and that those *impressions* are indefinite and very vague, and are the mere floating and broken reminiscences of a feeble and shattered memory. Judge Williams says, that from th *best of his recollection*, Mr. Smith, Mr. Curry and Dr. Watkins, among others, were present when Burr's effigy was burnt. Mr. Smith says he was not present either at the ball, or at the burning of the effigy. Mr. Curry says that he was not present at the ceremony of burning Colonel Burr's effigy, and considered it a disgraceful act; and he also says in confirmation of Judge Williams' feebleness of memory, and the probable recentness of his pre sent, impressions that 'Mr. Williams called on me frequently after Burr became an object of suspicion, and conversed freely on the subject, and, as I then thought, withheld nothing; yet he never told me that General Jackson wanted to enlist him to fight the Spaniards, nor ever mentioned his name as connected with, or knowing to any of Burr's schemes.' These and other discrepancies and contradictions, are mentioned, not to shew any wilful or corrupt mis-statement on the part of Judge Williams, but to shew how little credence or trust can be placed on the recollections of a memory, mistaken in so many circumstances, and persons, and things, when it comes to detail a conversation, in which a single word would wholly transform its meaning and construction. But to dispose of Judge Williams, and to shew what degree of confidence was due to what he related, either as to facts or the conversations of others—whether this want of confidence arose from great *unsoundness of memory* or other cause—and also to shew how far Judge Williams' feelings as to General Jackson entitled him to the character of a cool and impartial witness, and also in further elucidation of Judge

Williams' candour and consistency, the investigating committee called the attention of every American citizen to the following extract of a publication of Judge Williams, dated M'Minnville, June 28th, 1828.

" State also if you please, Mr. Editor, that in the town of M'Minnville, there lives a man by the name of Theodoric Burton—a man of truth and respectability, as I have heard here. He states that in 1805, he was one of Burr's men, and was mustered into service at the Clover Bottom, with arms in their hands—that above seventy-five men signed the list of enrolment at the same time with himself—that at that time General Jackson and Colonel Burr were on the ground, and that Patton Anderson was his captain. Burton says, when the men under Anderson separated, it was under an agreement, as to the time when they were to march off with Burr, as his men—and that before that time came round the matter bursted. This is a condensed view of what Burton says; who refuses to give a written statement.

NATH. W. WILLIAMS."

The attention of the American people was then called to compare this statement of Judge Williams with that of Mr. Burton, the gentleman referred to in the above extract; and we now make the same request of our readers.

" M'Minnville, Warren County, Tennessee, September 6th, 1828. To the Editors of the Republican. Gentlemen:—In as much as Nathaniel W. Williams, in a late newspaper publication, has taken the liberty to advert to my name, and to give me as authority for facts in relation to General Jackson and Colonel Burr, which I never stated to him or any one else, and which in truth I never heard of before; it is due to my character, humble as it may be. and to General Jackson, the destruction of whose private and honest reputation he seeks, to declare to the

world that I was never mustered into Colonel Burr's service at the Clover Bottom, or any where else, nor did I ever so state to Judge Williams.

"When Colonel Burr, was in this country, many years ago, (the particular year or season of the year, is not now within my recollection, I resided with Major Gilman Dickson,) Patton Anderson passed through the neighborhood, and was engaged in recruiting a company, as he said, for the purpose of making a settlement in the Washita country. Being a young man, I was prevailed upon by Major Dickson and Patton Anderson, to join the company, and did actually enroll myself under Anderson. I knew not how many men were engaged besides myself, nor do I remember any one of my acquaintances or neighbors who did join the company. Here, however, the matter ended. I was never mustered into service at the Clover Bottom, nor did I ever receive any arms, as I am made to say most untruly by Judge Williams, to whom I declare I never made so unfounded an assertion; nor did I ever see any military parade of any company of persons, whatever, at the Clover Bottom, or any where else, at the time referred to, and as stated by the Judge.

"So far from wishing, or intending, from any thing and every thing I know on the subject of Colonel Burr and his alleged conspiracy, or in any conversation with Judge Williams, to condemn General Jackson, or to connect his name with any scheme, unfriendly to the government, I wish to be understood as declaring to the world that I believe him to be an injured patriot, in many things—in nothing more cruelly, than in the attempt to make him a conspirator. It is right and proper to add, that when Judge Williams heard of my complaints, occasioned by his unauthorized use of my name; he wished to avoid the censure that awaited him, by begging me not to give this statement, but to leave to him to exonerate himself, by cor-

recting his publications. I leave the world to form their opinions of such conduct. THEODORIC BURTON."

After this comparison, and after the concluding remarks and facts exhibited in Mr. Burton's letter, we might securely consign Judge Williams, his mind, his memory, his accuracy, and his credit, to be estimated as our readers may think meet and proper.

But we now submit to the good sense of all reflecting men, the extreme improbability, that under the circumstances related by Judge Williams, any treasonable or illegal proposition could have been made to him by General Jackson; a proposition, pregnant with the most fearful and dangerous consequences to the projector; made without any previous ascertainment of the man's views or feelings to whom it was addressed; without any promise or even request of secrecy or concealment; without explanation or development of the means to be employed, or the objects to be attained; made in a casual and careless conversation, made to a young man of much less than mediocrity of intellect, and who had nothing to bring in aid of such a high and dangerous enterprise, but want of talent and want of prudence—contains a series of improbabilities, which amount to absolute certainty, and which the most credulous and prejudiced, we believe, must reject.

But when we come to examine what Judge Williams relates of this conversation, we find that if any such ever did occur, it must naturally and necessarily be referred to the legal, fair views and publicly avowed of Colonel Burr; in the two regiments spoken of in his letters to General Jackson, General Robertson, and others, to be organized and commissioned by the government: to the force and arms to be employed by the United States, in the anticipated war with Spain; to the list of young men spoken of in Colonel Burr's letters, and which was to be laid before the Secretary of War: in short, to the armed force,

at the head of which, Colonel Burr held out the belief, he was to be placed by government, in the event of a war with Spain. Judge Williams does not pretend that General Jackson disclosed to him any treasonable or illegal projects; does not pretend that the offer spoken of, was preceded by any conversation or communications by General Jackson, of any traitorous or illegal conspiracy against the peace or integrity of the United States. If such communications had been made to Judge Williams, and he had failed to reveal them instantly to the proper authorities, he would stand an infamous and avowed traitor in heart, and unworthy the confidence of any honest man or true citizen. But he does not say any such plans or plots were communicated to him; in justice to Judge Williams, and in comformity with truth, we must say, none such ever were.

In his letter to General Jackson of September 27th, 1828, Williams says, sometime before Jefferson's proclamation, in riding from General Jackson's house to Nashville, General Jackson, *in reference to that conspiracy, or what was afterwards called by others a conspiracy,* said to me "that I could, if I would accept it, obtain a commission of captain." This is the only one of Judge Williams' several statements, in which he uses any term even *implying* wrong or illegality; the word *conspiracy,* and the only words attributed to General Jackson are, "General Jackson said to me, I could, if I would accept it, obtain a commission of captain." He says that this was said by General Jackson in *reference* to that conspiracy. What conspiracy? Did it refer to any previous conversation developing a conspiracy? Judge Williams does not say so. No state of facts then existed even in *his* mind, to which the term *conspiracy* was by *him then* attached; but it was what was *afterwards by others* called so This is not left to reasoning, nowever conclusive and

satisfactory that may be, for in his subsequent and mature statement, published, as he avows, from a *sense of duty*, he says, "in riding from General Jackson's house to Nashville, near the Clover Bottom, he spoke to me in relation to a commission in Burr's army," and this was some time in the spring or fall of 1806. Here the offer and conversation is in reference to "Burr's army,"—what army, and for what objects? Beyond all question, the army spoken of by Burr, in his letter to General Jackson of March, 1806; the officers to be *commissioned* by the Secretary of War, and to be employed against Spain. We now dismiss Judge Williams.

We shall now briefly recapitulate the most material facts and circumstances, proved by the foregoing testimony. 1st. That General Jackson only received and treated Colonel Burr, as a generous and hospitable gentleman would receive and treat a guest and acquaintance, who then, and long had, held a distinguished rank as a statesman and man of talents, in the estimation of the great republican party in the United States; who had recently held the second office in the government, and with whom the honorable and the good might associate without reproach, and as a man, in Mr. Jefferson's language, "heretofore distinguished by the favor of his country."

2. That General Jackson communicated to the government and its officers, fully and explicitly, so soon as he had information of any kind.

3. That Colonel Burr never did communicate to General Jackson, any designs treasonable or hostile to the government of the United States; but always avowed designs consistent with its interest, and averred by him, to be supported by its countenance and authority.

4. That the first public suspicions as to the legality of Colonel Burr's projects, were allayed, and to a great degree destroyed, by the investigations in Kentucky in the

beginning of December, 1806, by the finding of the grand jury; which was evidently calculated to have this effect, and which effect is proved by Mr. Jefferson's message of January 22d, 1807, to have been produced, where he says, "In Kentucky the *premature* attempt to bring Burr to justice without sufficient evidence for his conviction, has produced a popular impression in his favor, and a general disbelief of his guilt."

5. That after suspicions had been excited against Colonel Burr, or after the letters to Governor Claiborne, General Smith, and Doctor Dickson, Colonel Burr never was invited to General Jackson's house; but that, when in the State of Tennessee, in the month of December, 1806, he remained, not at General Jackson's, but at a tavern, at the Clover Bottom, several miles distant, near which his boats were; and he was received with a marked change of manners and coldness by Jackson and others; and an interview was sought with Burr by Jackson, and had in the presence of several gentlemen, when Burr most solemnly avowed his innocence, and disavowed all objects hostile to the Union of government; and that the president's proclamation was not received at Nashville, until the 27th of December, 1806, five days after Colonel Burr's departure with only two boats.

6. That from the unhappy inaccuracy of Judge Williams' memory and recollections, no reliance can be placed on his statements; but that if any such reliance could be given, it is shown that the offer and conversation he speaks of, related above, was to the public, well known and legal objects held out and spoken of by Colonel Burr.

We do not feel perfectly sure, that in the course we have pursued, in the refutation of these charges, we shall not be considered by some, as manifesting a want of proper trust in the enlightened intelligence, and the noble and confiding natures of the American people; and whe-

ther it might not be thought a more than sufficient answer to the base surmises, the unworthy suspicions, and the feebly labored arguments, which have been circulated with so much industry, to point with emphasis to a long life devoted to the service of his country: his boyhood given to the war of the revolution, and to the achievement of her independence; his mature manhood to the honest and faithful discharge of all the duties of her highest civil employments; and his late years, when age might claim an exemption from toil and danger, when his accusers were to be found in the courts and palaces of kings, or reposing in the lap of ease and luxury, he was only to be found in the wilderness and on the field of battle; only in the pursuit or in the face of the enemies of his country, exposed to every peril, to every privation, to every suffering, before which the coward or the traitor's heart would have quailed or been subdued. This might be relied on as a sufficient reply to the charge, that General Jackson was tainted with treason, that he was leagued and connected with traitors and enemies to his country. And how ill-timed and ungraciously, this charge comes at this late day! There was a time of all others, when if true, or if colored by the semblance of truth, it should have been urged and loudly trumpeted: in the dark and stormy period of 1813 and 1814, when treason was much spoken of and much feared; when a severance of the Union was not darkly hinted at, but boldly spoken of in the capitol; not about to be effected by two empty flat boats, and half a dozen unarmed men, but urged, countenanced, and supported, by the most powerful nation on the earth, then our foe, and hanging on all our coasts and frontiers, with her victorious and numerous fleets and armies:—then was the time when traitors should have been denounced, when Jackson, if suspected, should have been handled with infamy, and all power and confidence withheld from him

then, when he was to take command of one division of the armies of the United States, to be invested with unlimited military power, should he have been held up as shrouded in suspicion, and unworthy to be trusted. But did a whisper, a murmur, then, of doubt or distrust break forth? All looked to him as a father and friend, with whom in that fearful hour, the safety of the nation and its highest powers, could be deposited with the utmost security.

But having proofs, we deemed it best to present them, which not only positively and directly disprove this charge, in all its forms, and expose the propagators of it to shame and confusion, but will shed additional lustre on the endowments both of the head and heart of this distinguished benefactor of his country; and prove the truth of that elevated and manly sentiment expressed to his friends, in reference to this subject, when loose scraps and notes written in haste many years ago, and long forgotten, were raked up and published: "I recollect them not, but this I do know, and avow, that never in all my life did I entertain even a thought that I would not cheerfully submit to the judgment of the American people, and stand or fall by their decision."

CHAPTER II.

Mr. Jackson a Major-General—The war of 1812—*Causes which led to it—Indian hostilities—General Harrison checks them—The Southern tribes—Tecumseh appears among them—excites them to hostility—The Creeks—their hostile preparations—Acts of Congress for raising volunteers—General Jackson addresses the militia of his division—His expedition to Natchez—Disobeys the order of the Secretary of War—Is justified—Creek war—Massacre of Fort Mimms—General Jackson marches against the Creeks—Battle of Tallushatches—Gen. Jackson's and General Coffee's report of it.*

In 1812, Mr. Jackson was still Major-General of the militia of the state of Tennessee; an appointment which he received at the time of the admission of that state into the Union. This period, so dark and ominous for the prosperity of our republic, must be vivid in the recollection of every American reader. Great Britain had been for a series of years in the habit of violating the dearest rights of our citizens, till roused, at length, they caught the spirit which prompted those

> "Who fought and won at Bennington,
> And bled at Bunker Hill;"

and stood forth in their might to assert and maintain those invaluable privileges, which had been planted and nurtured by their fathers' blood.

A brief sketch of the causes which led to the war in

which General Jackson took so distinguished a part, may not be inappropriate, in order to give the reader a clear idea of the motives which actuated him in the prosecution of the arduous and responsible duties of his station.

Unavailing had been the attempts of Great Britain to rivet the chains of bondage upon us by her odious system of legislation; vain had been her efforts to awe us into subjection by her military prowess; and at last with the greatest reluctance, a reluctance which necessity alone was able to overcome, was she brought to acknowledge our independence. This mortified her extremely, and induced her, to vent her spleen, by tolerating her subjects in the practice of wanton aggressions upon the rights and immunities of the American people, from that period to our last contest with that nation. She saw that the confederation which held the states together, during a contest with an implacable enemy, would be relaxed and broken in a time of peace. She hoped that civil dissensions would divide and weaken us, and produce a train of circumstances which might serve to bring us again under her subjection. To use the language of one who has written forcibly upon this subject, "It was happy for America that she possessed, at this moment, a galaxy of sages and patriots, who held a powerful influence over the minds of their fellow-citizens. By their exertions, a spirit of compromise and accommodation was introduced, which terminated in our present glorious compact. By this event, Great Britain lost, for a time, the opportunity of tampering with the states, of fomenting jealousies, and of governing by division. Her policy was changed; it became a favorite idea, that our growth should be repressed, and so many impediments thrown in our way, as to convince us that we had gained nothing by becoming free. We soon experienced the effects of her disappointment. Contrary to express stipulation, she refused to surrender

the western parts, and, at the same time, secretly instigated the savages to murder the frontier settlers." Spain was, at this very moment, practising her intrigues, to draw off the western states from the confederacy, of which there is little doubt England would soon have availed herself.

"We also came in contact with Britain on the ocean; our commerce began to flourish; and on the breaking out of the French war, she found in us formidable rivals. In order to put a stop to this competition, she called into life the odious and almost obsolete rule of '56, which is a palpable violation of the law of nations. The spirit of this rule is to prevent the neutral from enjoying any commerce which would not, at the same time, be open to the belligerent; in other words, to permit no neutral. The orders in council which followed in 1793, were barely tolerable, compared with those of November sixth, which were secretly circulated among the British cruisers, authorizing them to capture 'all vessels laden with the produce of any of the colonies of France, or carrying provision or supplies to the said colony,' which swept, at once, the greater part of our commerce from the ocean. This produced great dissatisfaction among the American people. They were clamorous for war, which the firmness of Washington alone prevented. The orders in council were modified a little by those issued in 1795 and '98; but the same vexations and abuses continued. To these aggressions were added the violations of our commercial and maritime rights, by the impressment of our seamen, and hostile attacks upon our ships. The consequences that followed, are familiar to every American reader.

"While the public mind was in a state of ferment, from our disputes with England and France, our frontiers were threatened with an Indian war from the instigations

of the former. The United States have frequently been charged with cruel violence and injustice to the Indians. That we had encroached upon their hunting grounds, cannot be denied, but this was the necessary consequence of the increase in our population; but the great difference between us and other nations, in relation to Indian lands, is, that instead of taking them without ever acknowledging the right of the Indians, we have endeavored to obtain them by fair purchase. The United States were the first to respect the Indian territorial right, as they were the first to abolish the slave trade and domestic slavery; for, as a nation, we have forbidden it.

"There existed, at this period, a celebrated Indian warrior, who had been always remarkable for his enmity to the whites, and who, like Pontiac, had formed the design of uniting all the different tribes, in order to oppose an effectual barrier to the further extension of the settlements. Tecumseh was a formidable enemy; he resorted to every artifice to stir up the minds of the Indians against us. Of an active and restless character, he visited the most distant nations, and endeavored to rouse them by his powerful eloquence. He also assailed the superstitious minds of his countrymen, by means of his brother, a kind of conjuror, called 'the prophet.' He had received assurances from the British of such assistance as would enable him to carry his plans into execution. In the year 1811, a council was held by Governor Harrison, of Indiana, at Vincennes, and at which Tecumseh attended, to remonstrate against a purchase lately made from the Kickapoos and some other tribes. In a strain of wonderful eloquence, the orator inveighed against the encroachments of the Americans, gave a faithful history of the progress of the settlements, from the first commencement on the Delaware, to the moment at which he spoke. When answered by Harrison, he grasped his

tomahawk, in a fit of phrenzy, and boldly charged the American governor with having uttered what was false; the warriors who attended him, twenty or thirty in number, followed his example; but Harrison had fortunately posted a guard of soldiers near, who put a stop to their fury.

"Towards the close of the year, the frontier settlers had become seriously alarmed; every thing on the part of the Indians appeared to indicate approaching hostilities. Gov. Harrison resolved to march towards the prophet's town, with a body of Kentucky and Indiana militia, and the fourth United States regiment, under command of Colonel Boyd, to demand satisfaction of the Indians, and to put a stop to their hostile designs. In the month of November, having approached within a few miles of the prophet's town, the principal chiefs came out with offers of peace and submission, and requested the governor to encamp for the night, as it was then too late to enter upon business It was not long before this was discovered to be a treacherous artifice. At four o'clock in the morning, the camp was furiously assailed, and after a bloody and doubtful contest, the Indians were finally repulsed, with the loss of one hundred and eighty killed and wounded on our part, and a still greater number on theirs. A number of valuable officers fell on this occasion. Harrison, after this, destroyed the prophet's town, and having established forts, returned to Vincennes."

Tecumseh fled to the southern tribes, upon the Alabama, early in 1812, to inspire the savages there to act in concert with their red brethren of the north. But, nothing had so powerful effect in exciting the hostilities of the Creek, Alabama, and Seminole Indians, against the borderers of the South-West Territory, as the promises, bribery, and corrupting influence of British and Spanish emissaries. With their hereditary hatred against the

Americans, added to the enthusiasm excited by Tecumseh, and the liberal aid of the British and Spanish governments, these powerful tribes, at the commencement of the last war, were prepared to extend over our western frontiers all the devastation and horrors of savage hostility.

The states of Tennessee and Georgia, from their vicinity to the extensive country inhabited by the Creeks, were more immediately exposed to Indian ravages. Familiarized to their unrelenting barbarity, the citizens of these states were fully aware, that nothing but a war of extermination against the Creeks, would protect their own settlements on the frontiers from destruction, and their families from inhuman butchery. Tecumseh had, by his art, his eloquence, and his assumed divinity, infused into the Creek nation the most deadly hatred against the Americans. He addressed himself to their pride, by reminding them of the ancient power of the savages, and the boundless extent of their territory. He aroused their vengeance against us, as the people who had reduced their numbers, and diminished their greatness. He censured them for their conformity in any respect to the Americans, and exhorted them upon the fearful penalty of the displeasure of the Great Spirit, to return to their original savage habits. The instigations of a master spirit, such as was Tecumseh, produced a powerful effect upon the tribes of the south. A complete concert was established between all the southern tribes, and a general concert between them and the northern ones. War clubs were every where distributed; but the most profound secrecy enjoined.

Such was the situation of our national relations, when the acts of Congress of the 6th February, and July, 1812, authorizing the President to accept the services of fifty thousand volunteers, were promulgated. On receipt of intelligence relating to the passage of these acts, General

Jackson published an energetic address to the militia of his division, which drew two thousand five hundred of them to his standard, and without delay he made a tender of their services to the government, which tender was accepted. The detachment having been embodied and organized, was ordered to proceed by water to New-Orleans.

Subsequently to his departure, General Jackson was ordered to halt near Natchez, and in compliance with it, he took a position in the neighborhood of that city. Here, while attending to the health and discipline of the corps, he received a laconic mandate from the War Department, commanding him to dismiss his volunteers, and deliver all public property in his possession to General Wilkinson, then commanding the military district in which they were stationed. This order he disobeyed, and, for so doing, he has been most grievously reproached. But a detail of the circumstances, we doubt not, will convince our readers, that his justification is complete.

"It is first to be noticed, that as all men have some degree of fallibility and some degree of discretion, and as the imperfections of language, and the interposition of distance, give ample scope for both, it may well happen, that the non-execution of an order is the best possible mode of obeying the government. When an officer receives an order, which the exercise of a sound discretion convinces him would not have been issued, had the condition of the circumstances in which it was to operate been known to the authority from which it proceeded, the spirit of his duty comes in direct opposition to the letter of his order. Obedience, in such a case, consists not in a blind submission to the words, but in a zealous fulfilment of the intentions of the government. The order of the Emperor, it is true, authorized Grouchy to continue his unprofitable contest with the Prussians, but the spirit of his duty required

his presence and exertions at Waterloo. By disregarding the signal which recalled him from fight, Lord Nelson fulfilled the wishes of his government, shook the throne of Denmark, and shattered the confederacy of the northern powers. Nothing can be more obvious than the distinction between nominal and real obedience, and it is singular that this should have escaped the attention of General Jackson's accusers. They seem to forget that an order may be obscure, and therefore liable to misconstruction; and that it may contain imperfections of date or expression, which bring into doubt its genuineness. In the case now considered, all these causes operated against a strict execution of the order. General Jackson could not be easily convinced that it was the intention of the President, after accepting the service of his volunteers, and removing them six hundred miles from their homes, in an inclement season, pregnant with disease; and beyond a vast wilderness filled with hostility, to deprive them of food to save them from hunger—to strip them of tents to cover them from the weather—and of arms to defend them from the savages.

"Yet, on the 15th of March, he received the duplicate of the order to which we have already adverted, requiring him 'to consider his troops as dismissed from public service, and to deliver over to General Wilkinson all articles of public property which may have been put into their possession'—not leaving the men a mouthful of food—in the hands of the detachment a musket or cartridge—in the possession of the corps a single tent or wagon, or the smallest accommodation for their sick, of whom there were more than one hundred and fifty. He received another copy of the same order, which was dated near a month earlier, before General Armstrong, whose signature it bore, had come into the War Department, containing variations of expression, which made it appear not to be

an exact copy. However, he determined to obey it with as much exactness and as little delay as possible. He saw that its declaratory part effected itself;—he and his detachment were dismissed the service of the United States. The order was not a direction to disband; but a notification of dismissal, so far effected itself, and required in no degree the agency of General Jackson. Its mandatory clause, relating to public property, and admitting of some exceptions, he conceived it his duty, both to the government and to his men, not to carry into full execution. Viewing ours as a just and paternal government, he considered his detachment much as the law considers a pretermitted child, and determined to do that for his men which the government had, it appeared, forgotten to do. In a letter to the governor of Tennessee, under whose authority the order of the Secretary had replaced him, he says, 'I have, however, from the necessity of the case, determined to keep some of the tents, and to march the men back in as good order as possible; and I will make every sacrifice to add to their comfort. I have required of the contractor here twenty days' rations, which will take my men to Colbert's; and I must trust in Providence and your exertions, to furnish them with supplies from there to Nashville.' To General Wilkinson, who had enclosed the order, he says: 'I have had the honor of receiving your letter of the 8th inst. with its enclosures, containing directions for me to deliver over the public property to you, which is in the possession of my detachment. The order will be complied with, except a small reservation of tents for the sick, and some other indispensable articles. I acknowledge the order was unexpected; but I coincide with you in sentiment, that those who are bound, must obey.'"

Let our readers recollect, that the law under which the services of this corps had been accepted, made the arms

and accoutrements of the soldier, his private property at his discharge—operating like a bounty on enlistments—and that of course General Jackson had no right to apply it to this species of military property, and that he only suspended its execution so far as to retain a few tents and other articles indispensable to the care of the sick, until he could get his corps through the wilderness, which was already the scene of those Indian murders that soon brought on the Creek war; that to effect this honorable and patriotic purpose, he borrowed five thousand dollars of a merchant in Natchez; that the government itself sanctioned his proceedings; that this chivalric corps contained the Coffees and the Carrols, who fought wherever they could find a foe, and the Lauderdales and the Donelsons who fell with so much glory; and also that the tender of this corps had been accepted by government in August, that they had been assembled in December, had embarked on the Cumberland in January, that after voyaging, often through floating ice and stormy weather, more than one thousand miles, they had encamped near Natchez, on the 21st of February, and that had General Jackson then, through fear of "indignity," disbanded his troops, and left them uncovered, unfed, undefended, victims to disease, to want, and to murder; the patriots of Tennessee would have been justly disgusted with a service, which, when inspired with gratitude and affection for their faithful leader, they adhered to with such zeal and triumphant efficacy; and the American people would be apt to conclude, that more moderation on the part of General Jackson, would have been mean spirited; would have betrayed a want of that sensibility to the claims of friendship, and neighborhood, and fellowship, which he so ardently felt, which did him so much honor as a man, and were so fortunate in the event to his country. It appears, then that so far from deserving censure for the

modified execution of the order in question, which was so abundantly justified by the circumstances of the case, was approved by the government, and sanctioned by events; he merits the praise of prudence and generosity, and is entitled to the gratitude of his country, for that seasonable and enlightened independence, which had the effect of attaching to him and to her the materials of future safety and honor.

General Jackson having overcome all opposition in assuming the bold position, already spoken of, and so highly justifiable, as the circumstances we have detailed abundantly prove, broke up his camp, and commenced the march of his corps to Tennessee. Nothing could exceed the fortitude and perseverance of this patriotic band and their intrepid leader, during their march of five hundred miles through deep morasses, and unbroken forests, exposed to every hardship and privation. General Jackson animated and encouraged his troops by his example, resigned his horse to assist in conveying the sick, and marched on foot in the ranks with his soldiers, partook with them their meagre diet, and was unremitting in his endeavors to mitigate their sufferings and soften their hardships. At the close of his march, he disbanded his men, who returned to their respective homes.

The Creeks, as our readers will recollect, for some months previous to these transactions, had manifested a spirit of hostility to the United States. Our situation in regard to them was now of a nature which excited much alarm among the borderers of Georgia, Tennessee and, Mississippi. In consequence of the threatening appearances to the south, and the hostilities which already prevailed with the Indians inhabiting the Spanish territory, Governor Mitchell, of Georgia, was required by the Secretary of War, to detach a brigade to the Oakmulgee river, for the purpose of covering the frontier settlements of the state. Governor

Holmes of the Mississippi territory, was at the same time ordered to join a body of militia to the volunteers under General Claiborne, then stationed on the Mobile. In the course of the summer, the settlers in the vicinity of that river, became so much alarmed from the hostile deportment of the Creeks, that the greater part abandoned their plantations, and sought refuge in the different forts, while the peace party amongst the Creeks had, in some places, shut themselves up in forts, and were besieged by their countrymen.

Hostilities were commenced by one of the most shocking massacres that can be found recorded in the annals of savage warfare. The borderers, from an imperfect idea of their danger, had adopted an erroneous mode of defence, by throwing themselves into small forts or stations, at great distances from each other, on the various branches of the Mobile. Early in August it was ascertained that the Indians intended to make an attack upon all these stations, and destroy them in detail. The first place of contemplated attack was fort Mimms, in which the greatest number of inhabitants had been collected. Towards the latter part of August, information was brought that the Indians were about to make an attack on this fort, but unfortunately too little attention was paid to the warning. During the momentary continuance of the alarm, some preparations were made for defence, but it seems that it was almost impossible to rouse them from their unfortunate disbelief of the proximity of their danger. The fort was commanded by Major Beasley, of the Mississippi territory, a brave officer, with about one hundred volunteers under his command. By some fatality, notwithstanding the warnings he had received, he was not sufficiently on his guard, and suffered himself to be surprised on the 30th of August, at noonday. The sentinel had scarcely time to notify the approach of the Indians, when

they rushed with a terrific yell towards the gate, which was open; the garrison was instantly under arms, and the commander, with some of his men flew, towards the gate in order to close it, and if possible expel the enemy; but he soon fell mortally wounded. After a desperate conflict, the gate was finally closed; but a number of Indians had taken possession of a block-house, from which they were expelled after a bloody contest. The assault was still continued for an hour, on the outside of the pickets; the port holes were several times carried by the assailants, and retaken by those within the fort.

The Indians withdrew for a moment, apparently disheartened by their loss, but on being harangued by their chief Weatherford, with all the fervour of Indian eloquence they returned with augmented fury to the attack—cut away the gate with their axes—forced the pickets—possessed themselves of the area of the fort, and compelled the besieged to take refuge in the houses. Here they made a gallant resistance, but the Indians at length setting fire to the roofs, their situation became one of utter hopelessness. A more horrible scene of carnage than that which followed the possession of this fortress by the savages never appeared upon the records of human butchery. The agonizing shrieks of the women and their helpless children were unavailing; not a soul was spared by these monsters; from age to infancy, they became the victims of indiscriminite massacre; and some to avoid a worse fate rushed into the flames. A few only escaped by leaping over the pickets while the Indians were engaged in the work of death. About two hundred and sixty persons, of all ages and sexes, perished. The panic caused at the other outposts, or stations, by this dreadful catastrophe, can scarcely be described; the wretched inhabitants, fearing, a similar fate abandoned their retreats of fancied security in the middle of the night, and effected their es-

cape to Mobile after the endurance of every species of suffering. The dwellings of the borderers were burnt, and their cattle destroyed.

On the receipt of this disastrous intelligence, the inhabitants of Tennessee, though not in immediate danger, adopted the most energetic measures to protect the borderers, and avenge the massacre at fort Mimms. The legislature of the state convened towards the close of September, and authorized Governor Blount to call into immediate service three thousand five hundred of the militia, and voted a large sum for their support. The legislature, and indeed the whole population of Tennessee, fixed their hopes upon General Jackson. The confidence of all in him was unlimited. It had long been his opinion, that the only effectual mode of warfare against the savages, was to carry war into the heart of their country. General Wayne many years since, and General Harrison more recently, had evinced the correctness of this opinion. The legislature accorded with him in sentiment, and the command of the intended expedition devolved upon him. He was ordered by Governor Blount to call out two thousand militia, and to rendezvous at Fayetteville. A part of this detachment consisted of the Tennessee volunteers, who had the preceding spring returned from Natchez. Upon the fourth of October, 1813, the day appointed, the troops promptly repaired to the place of rendezvous.

Colonel Coffee, in the mean time, had raised five hundred mounted volunteers, and was authorized to augment his force by adding to it the volunteer mounted riflemen who might offer their services. On the 7th of October, General Jackson repaired to the rendezvous of Fayetteville, and with his corps commenced his march for the Creek Country. Colonel Coffee proceeded with his cavalry and mounted riflemen towards the frontiers, and stationed himself near Huntsville. In the Creek nation were many

natives in amity with the United States. From them, important information was obtained, and essential service was rendered by them to our troops. On the 8th, Colonel Coffee informed General Jackson by express, that from information derived from Indian runners, the hostile Creeks were collecting in great force; and intended simultaneously to attack the frontiers of Georgia and Tennessee.

General Jackson, on the 10th, put his corps in motion, and by great exertions reached Huntsville the same day, a distance of forty miles. Colonel Coffee had reached the Tennessee river, and General Jackson overtook him the next day, and united with his regiment upon the bank of the river. He then dispatched Colonel Coffee with his mounted corps to explore the Tombigbee river, while he encamped his own division upon the Tennessee, and commenced vigorous operations in preparing them for active service. In the camp of General Jackson the commissary department was very defective, and he depended upon various contractors for casual rather than regular supplies of provisions. On investigation, an alarming deficiency was found to exist. Nothing will damp a soldier's spirit like a discovery of this nature. Men who will meet death with iron nerve amid the din of battle, will shrink from the approach of famine. General Jackson, by measures the most efficient, and by entreaties the most urgent, endeavored to procure a supply. Undaunted himself, he set an example of cheerfulness before his followers, and for a time dispelled their apprehensions.

At this critical period, information was received that the Creeks were embodied near the Ten Islands on the Coosa. Collecting what provisions could be obtained, he commenced his march upon the 18th, for Thompson's Creek. His route led through a wild and mountainous region, which was nearly impervious to the passage of his army. He arrived there on the 22d, and remained

until certain information was received that the Creeks would soon commence operations upon the Coosa. Colonel Dyer had been previously sent with a detachment to attack the village of Littafutchee, on a branch of the Coosa. He took the place with a trifling loss on his part, and brought back with him twenty-nine prisoners of the hostile Creeks. The scouting parties now began to bring in prisoners, and cattle, and corn taken from the enemy. The main body of the army was encamped about thirteen miles from Tallushatches, where the Creeks in large numbers had assembled with hostile preparations, and had taken a position at that place, situated on the opposite shore of the Coosa.

General Coffee was dispatched early in November, with nine hundred cavalry and mounted riflemen, to attack the Creeks in the encampment. He forded the Coosa under the direction of an Indian guide, and advanced on Tallushatches. The Creeks were aware of his approach and prepared to meet it. They struck the war-drum, sung the war-song, and by their savage war-whoops, gave notice that they were prepared for battle. Within a short distance of the village, they charged upon our troops with a boldness seldom displayed by Indians. They were repulsed, and after the most obstinate resistance, in which they would receive no quarters, they were slain almost to a man, and their women and children taken prisoners. Nearly two hundred of their warriors fell in this battle; the loss of the Tennesseans, five killed and thirty wounded. The following is the official report of this action:

GEN. JACKSON TO GOV. BLOUNT.

Camp at Ten Islands, Nov. 4th, 1813.

Governor Blount,

Sir—We have retaliated for the destruction of Fort Mimms. On the 2d inst., I detached General Coffee with a part of his brigade of cavalry and mounted rifle-

men, to destroy Tallushatches, where a considerable force of the hostile Creeks were concentrated. The general executed this in style. A hundred and eighty-six of the enemy were found dead on the field, and eighty taken prisoners, forty of whom have been brought here. In the number left, there is a sufficiency but slightly wounded to take care of those who are badly. I have to regret that five of my brave fellows have been killed, and about thirty wounded; some badly, but none I hope mortally. Both officers and men behaved with the utmost bravery and deliberation. Captains Smith, Bradley, and Winston, are wounded, all slightly. No officer is killed. So soon as General Coffee makes his report, I shall enclose it. If we had a sufficient supply of provisions, we should in a very short time accomplish the object of the expedition.

I have the honor to be, with great respect, yours, &c.

ANDREW JACKSON.

The following is General Coffee's report of the battle of Tallushatches, alluded to in the letter to Governor Blount:

BRIG. GEN. COFFEE TO MAJ. GEN. JACKSON.

Camp at Ten Islands, Nov. 4th, 1813.

Major General Jackson,

Sir—I had the honor yesterday, of transmitting you a short account of an engagement that took place between a detachment of nine hundred men from my brigade, with the enemy at Tallushatches town; the particulars whereof I beg leave herein to recite to you. Pursuant to your order of the 2d, I detailed from my brigade of cavalry and mounted riflemen, nine hundred men and officers, and proceeded directly to the Tallushatches towns, and crossed Coosa river at the Fish-Dam ford, three or four miles above this place. I arrived within one and a half miles of the town, distant from this place southeast eight miles, on the morning of the 3d, at which place I divided

my detachment into two columns, the right composed of the cavalry commanded by Colonel Allcorn, to cross over a large creek that lay between us and the towns: the left column was mounted riflemen, under the command of Colonel Cannon, with whom I marched myself. Colonel Allcorn was ordered to march up on the right, and encircle one half of the town, and at the same time the left would form a half circle on the left, and unite the head of the columns in front of the town; all of which was performed as I could wish. When I arrived within half a mile of the town, the drums of the enemy began to beat, mingled with their savage yells, preparing for action. It was after sunrise an hour, when the action was brought on by Captain Hammond's and Lieutenant Patterson's companies, who had gone on with the circle of alignment for the purpose of drawing out the enemy from their buildings, which had the most happy effect. As soon as Captain Hammond exhibited his front in view of the town, which stood in an open woodland, and gave a few scattering shot, the enemy formed and made a violent charge on him; he gave way as they advanced, until they met our right column, which gave them a general fire and then charged; this changed the direction of charge completely; the enemy retreated firing, until they got around and in their buildings, where they made all the resistance that an overpowered soldier could do; they fought as long as one existed, but their destruction was very soon completed; our men rushed up to the doors of the houses, and in a few minutes killed the last warrior of them; the enemy fought with savage fury, and met death, with all its horrors, without shrinking or complaining: not one asked to be spared, but fought as long as they could stand or sit. In consequence of their flying to their houses, and mixing with their families, our men, in killing the males, without intention killed and wounded a few of the squaws and children, which was

regretted by every officer and soldier of the detachment, but which could not be avoided.

The number of the enemy killed, was one hundred and eighty-six that were counted, and a number of others killed in the weeds not found. I think the calculation a reasonable one, to say two hundred of them were killed; and eighty-four prisoners, of women and children, were taken; not one of the warriors escaped to carry the news, a circumstance unknown heretofore. We lost five men killed, and forty-one wounded, none mortally, the greater part slightly, a number with arrows; this appears to form a very principal part of the enemy's arms for warfare every man having a bow with a bundle of arrows, which is used after the first fire with the gun, until a leisure time for loading offers. It is with pleasure I say that our men acted with deliberation and firmness; notwithstanding our numbers were superior to those of the enemy, it was a circumstance to us unknown, and from the parade of the enemy we had every reason to suppose them our equals in number; but there appeared no visible traces of alarm in any, but on the contrary all appeared cool and determined, and no doubt when they face a foe of their own, or superior number, they will show the same courage as on this occasion.

I have the honor to be, very respectfully, sir, your obedient servant, JOHN COFFEE,

Brig. Gen. of Cavalry and Riflemen.

Major General Jackson.

CHAPTER III.

Tennessee forces—Message to General White—Fortress of Talladega—Its danger—General Jackson advances to its protection—General White refuses to form a junction with him—General Jackson crosses the Coosa—Battle of Talladega—Official report of it—Consequences of General White's conduct—Gen Floyd—Battle of Autoussee—Official report of it—Difficulties of General Jackson's situation—Famine and mutiny among his troops—His firmness—Arrival of supplies—Discontent of his troops continues—Governor Blount—His instructions—General Jackson dismisses his corps—New troops raised—General Claiborne—His victory upon the Alabama.

The Tennessee forces, at the commencement of the campaign in the Creek nation, in 1813, consisted of two divisions; one of West Tennessee, commanded by General Jackson—the other of East Tennessee, commanded by General Cocke. Major General Thomas Pinckney, of the United States' army, was commander-in-chief of the military district in which these troops were organized. The decisive victory at Tallushatches, and the total discomfiture of the savages of that station, induced General Jackson to adopt the most efficient measures for prosecuting the encouraging success the army had there met with, by more important operations. To accomplish these, he sent an express, on the 4th of November, to Brigadier Genera-

White, of General Cocke's division, who was only twenty-five miles distant, ordering him, with the troops under his command, to form a junction with him at Fort Strother, which he had established as a depot. His object in forming this junction, was to augment his forces to such an amount, as to enable him to proceed with confidence in attacking the enemy, and leave a force in the rear sufficient to protect the sick and guard the baggage. Although he had twice before sent similar orders, not a word of intelligence was received from him. He delayed until the 7th inst., when he dispatched another express.

On the same day, information was received by General Jackson, that a fortress of friendly Indians at Talladega, thirty miles distant from Fort Strother, was in imminent danger of total destruction by the hostile party, who had assembled about them in great numbers. They had espoused the cause of the Americans; and, of course, had excited the vindictive malice and savage ferocity of their brethren. The runners, dispatched by the friendly Creeks, urged General Jackson to relieve them from their perilous situation. The same sentiment that induced General Jackson to hazard his reputation in protecting his countrymen at Natchez, led him, without hesitation, to extend his aid to those natives, who had adhered to our interests with so much fidelity. He commenced his march at twelve o'clock in the evening. He dispatched another express to General White to repair that night to Fort Strother, and protect it in his absence. To his great surprise, he received a message from him, that he had, agreeably to his order, commenced a march to Fort Strother, but that he had received counter orders from Gen. Cocke, to join *him* at Chatuga Creek; and that he should obey him! It would be difficult to conceive a more embarrassing situation than that in which General Jackson was now placed; his rear unprotected and exposed to the ravages

of the enemy—in his front the war-shout had sounded, and a reaction of the bloody tragedy of fort Mimms was impending over the defenceless inhabitants of Talladega. Not a moment was to be lost; his decision was instantly taken and he urged on his troops to their defence with his wonted energy. They crossed the river that very night, each horseman carrying a foot soldier behind him, though the Coosa is here six hundred yards wide. The whole night was consumed in this operation; yet the army continued to march with unabated ardor, and by the next evening arrived within six miles of the enemy. The following is the result of the battle, as officially reported:

GEN. JACKSON TO GOV. BLOUNT.

Camp Strother, near Ten Islands of Coosa, November 11th, 1813.

Sir—I am just returned from an excursion which I took a few days ago, and hasten to acquaint you with the result.

Late on the evening of the 7th inst. a rumor arrived from the friendly party at Lashley's fort, (Talladega,) distant about thirty miles below us, with the information that the hostile Creeks, in great force, had encamped near the place, and were preparing to destroy it; and earnestly entreated that I would lose no time in affording them relief. Urged by their situation, as well as by a wish to meet the enemy as soon as an opportunity would offer, I determined upon commencing my march thither, with all my disposable force, in the course of the night; and immediately dispatched an express to General White, advising him of my intended movement, and urged him to hasten to this encampment by a forced march, in order to protect it in my absence. I had repeatedly written to the general to form a junction with me as speedily as practicable, and a few days before had received his assurance, that on the 7th he would join me. I commenced crossing the river at Ten Islands, leaving behind me my baggage-wagons, and what-

ever might retard my progress, and encamped that night within six miles of the fort I had set out to relieve. At midnight, I had received by an Indian runner, a letter from General White, informing me that he had received my order, but that he had altered his course, and was on his march backward to join Major General Cocke, near the mouth of the Chatuga. I will not now remark upon the strangeness of this manœuvre; but it was now too late to change my plan, or make any new arrangements; and, between three and four o'clock, I recommenced my march to meet the enemy, who were encamped within a quarter of a mile of the fort. At sunrise we came within half a mile of them, and having formed my men, I moved in order of battle. The infantry were in three lines—the militia on the left, and the volunteers on the right. The cavalry formed the two extreme wings, and were ordered to advance in a curve, keeping their rear connected with the advance of their infantry lines, and enclose the enemy in a circle. The advanced guard, whom I sent forward to bring on the engagement, met the attack of the enemy with great intrepidity; and, having poured upon them four or five very galling rounds, fell back, as they had been previously ordered, to the army. The enemy pursued, and the front line was now ordered to advance and meet him; but, owing to some misunderstanding, a few companies of militia, who composed a part of it, commenced a retreat. At this moment, a corps of cavalry, commanded by Lieut. Colonel Dyer, which I had kept as a reserve, was ordered to dismount and fill up the vacancy occasioned by the retreat. This order was executed with a great deal of promptitude and effect. The militia, seeing this, speedily rallied; and the fire became general along the front line, and on that part of the wings which was contiguous. The enemy, unable to stand it, began to retreat; but were met at every turn, and repulsed in

every direction. The right wing chased them, with a most destructive fire, to the mountains, a distance of about three miles, and, had I not been compelled, by the *faux pas* of the militia, in the outset of the battle, to dismouut my reserve, I believe not a man of them would have escaped. The victory was, however, very decisive: two hundred and ninety of the enemy were left dead; ..nd there can be no doubt but many more were killed who were not found. Wherever they ran, they left behind traces of blood; and it is believed that very few will return to their villages in as sound a condition as they left them. I was compelled to return to this place to protect the sick and wounded, and get my baggage on.

In the engagement, we lost fifteen killed, and eighty-five wounded; two of whom have since died. All the officers acted with the utmost bravery, and so did all the privates, except that part of the militia who retreated at the commencement of the battle—and they hastened to atone for their error. Taking the whole together, they have realized the high expectations I had formed of them, and have fairly entitled themselves to the gratitude of their country.

ANDREW JACKSON.

His Excellency Willie Blount, Nashville.

The following completes the account of the battle of Talladega:

Camp Strother, near Ten Islands,
15th November, 1813.

You will perceive, from the draft which I shall send you, that, had there been no departure from the original order of battle, not an Indian could have escaped; and, even as the battle did terminate, I believe that no impartial man can say that a more splendid victory has in any instance attended our arms, on land, since the commencement of the war. The force of the enemy is represented by themselves to have been ten hundred and eighty; and it

does not appear from their fire and the space of ground which they occupied, that their number can have been less. Two hundred and ninety-nine were left dead on the ground; and no doubt many more were killed who were not found. In a very few weeks, if I had a sufficiency of supplies, I am thoroughly convinced, I should be able to put an end to the Creek hostilities.

Too much praise cannot be bestowed upon the advance, led on by Col. Carrol, for the spirited manner in which they commenced and sustained the attack; nor upon the reserve, commanded by Lieut. Colonel Dyer, and composed of Captains Smith's, Morton's, Axurn's, Edwards', and Hammond's companies, for the gallantry with which they met and repulsed the enemy. In a word, officers of every grade, as well as the privates, realized the high expectations I had formed of them, and merit the gratitude of their country.

I should be doing injustice to my staff, composed of Majors Reid and Scarcy; my aids, Col. Sitler, and Major Anthony, adjutant, and assistant adjutant general, Colonel Carrol, inspector general; Major Strother, topographer; Mr. Cunningham, my secretary; and Colonel Stokey D. Haynes, quarter master general; not to say that they were every where in the midst of danger, circulating my orders. They deserve and receive my thanks.

I have the honor to be, &c.

ANDREW JACKSON.

General Jackson's plan of operation was very much frustrated by the refusal of General White to form a junction with him, or to repair to the protection of Fort Strother, in his absence; and compelled him to relinquish his intention of immediately extending the war into the Indian territories, and bringing our contest with the Creeks to a speedy conclusion. It protracted hostilities with a people who prosecute their quarrels with the most

unrelenting and bloody barbarity, and who, of all others, should be promptly taught to respect our rights.

It has been previously stated, that the Creeks had determined to attack the frontiers of Georgia and Tennessee, simultaneously. Measures, equally efficient with those adopted by the executive, and legislature of Tennessee, were adopted by the executive and legislature of Georgia. His Excellency, Peter Earley, governor of that state, upon the 8th November, 1813, communicated to the Senate and House of Representatives, the information he had received of savage depredations and murders upon the frontiers. The legislature promptly authorized the governor to cause the frontiers to be put in a state of defence, and to send a competent force into the heart of the Creek country. As the forces of Georgia acted in concert with those of Tennessee under the command of General Jackson, a brief detail of them may not be deemed uninteresting. The Georgia militia were commanded by Brigadier General Floyd. He met the enemy at Autoussee, upon the banks of the Tallapoosa river, and gave them battle, and the following is his description of it:

"Having received information that numbers of the hostile Indians were assembled at Autoussee, a town on the southern bank of the Tallapoosa, about eighteen miles from the Hickory Ground, and twenty above the junction of that river with the Coosa, I proceeded to its attack, with nine hundred and fifty of the Georgia militia, accompanied by between three and four hundred friendly Indians. Having encamped within nine or ten miles of the point of destination the preceding evening, we resumed the march a few minutes before one on the morning of the twenty-ninth, and, at half past six were formed for action in front of the town.

Booth's battalion composed the right column, and marched from its centre; Watson's battalion composed

the left, and marched from its right; Adams' rifle company, and Merriwether's, under Lieutenant Hendon, were on the flanks; Captain Thomas' artillery marched in front of the right column on the road.

It was my intention to have completely surrounded the enemy, by deploying the right wing of my force on Canleebee creek, at the mouth of which, I was informed, the town stood, and resting the left on the river bank, below the town; but, to our surprise, as the day dawned, we perceived a second town about five hundred yards below that which we had first viewed, and were preparing to attack. The plan was immediately changed; three companies of infantry, on the left, where wheeled into *echelon*, and advanced to the low town, accompanied by Merriwether's rifle company; and two troops of light dragoons, under the command of Captains Irwin and Steele.

The residue of the force approached the upper town, and the battle soon became general. The Indians presented themselves at every point, and fought with the desperate bravery of real fanatics. The well directed fire, however, of the artillery, added to the charge of the bayonet, soon forced them to take refuge in the outhouses, thickets, and copses, in rear of the town; many, it is believed, concealed themselves in caves, previously formed for the purpose of secure retreat, in the high bluff of the river, which was thickly covered with reeds and brush wood. The Indians of the friendly party, who accompanied us on the expedition, were divided into four companies, and placed under the command of leaders of their selection. They were, by arrangement entered into the day previous, to have crossed the river above the town, and been posted on the opposite shore, during the action, for the purpose of firing on such of the enemy as might attempt to escape, or keep in check any reinforcement which might probably be thrown in from the neighboring

town; but, owing to the difficulty of the ford, and coldness of the weather, and the lateness of the hour, this arrangement failed, and their leaders were directed to cross Canlubee creek, and occupy that flank, to prevent escapes from the Tallassee town. Some time after the action commenced, our red friends thronged in disorder in the rear of our lines. The Cowetams, under M'Intosh, and the Lookaubatchians, under the Mad Dog's Son, fell in on our flanks, and fought with an intrepidity worthy of any troops.

At nine o'clock, the enemy was completely driven from the plain, and the houses of both towns wrapped in flames. As we were then sixty miles from any depot of provisions, and our five days' rations pretty much reduced, in the heart of an enemy's country, which, in a few moments, could have poured from its numerous towns, hosts of its fiercest warriors—as soon as the dead and wounded were properly disposed of, I ordered the place to be abandoned, and the troops to commence their march to Chatahauchie.

It is difficult to determine the strength of the enemy, but from the information of the chiefs, which it is said can be relied upon, that at Autoussee, warriors from eight towns were assembled for its defence, it being their beloved ground, on which they proclaimed no white man could approach without inevitable destruction. It is difficult to give a precise account of the loss of the enemy; but from the number which were lying scattered over the field, together with those destroyed in the towns, and many slain on the bank of the river, which respectable officers affirm they saw lying in heaps at the water's edge, where they had been precipitated by their surviving friends. Their loss in killed, independent of their wounded, must have been at least two hundred, among whom were the Autoussee and Talassee kings; and from the circumstance of their making no efforts to molest

our return, probably greater. The number of buildings burnt, some of a superior order for the dwellings of savages, and filled with valuable articles, is supposed to be four hundred.

Adjutant General Newman rendered important services during the action, by his cool and deliberate courage. My aid, Major Crawford, discharged with promptitude the duties of a brave and meritorious officer. Major Pace, who acted as field aid, also distinguished himself; both these gentlemen had their horses shot under them. Doctor Williamson, hospital surgeon, and Doctor Clopton, were prompt and attentive in the discharge of their duty towards the wounded, during the action.

Major Freeman, at the head of Gwin's troop of cavalry, and part of Steele's, made a furious and successful charge upon a body of Indians, sabred several, and completely defeated them. Captain Thomas and his company, Captain Adams' and Lieutenant Hendon's rifle companies, killed a great many Indians, and deserve particular praise: Captain Barton's company was in the hottest of the battle, and fought like soldiers. Captains Myric, Little, King, Broadnax, Cleveland, Joseph T. Cunningham, and Lee, with their companies, distinguished themselves. Brigadier General Shackleford was of great service in bringing the troops into action; and Adjutant Broadnax, and Major Montgomery, who acted as assistant adjutant, showed great activity and courage. Major Booth used his best endeavors in bringing his battalion to action, and Major Watson's battalion acted with considerable spirit. Gwin's, Patterson's, and Steele's troops of cavalry, wherever an opportunity presented, charged with spirit. Lieutenent Strong had his horse shot, and narrowly escaped, and Quartermaster Fennell displayed the greatest heroism, and miraculously escaped, though

badly wounded, after having his horse shot from under him. The topographical engineer was vigilant in his endeavours to render service. The troops deserve the highest praise for their fortitude in enduring hunger, cold, and fatigue, without a murmur, having marched one hun dred and twenty miles in seven days.

The friendly Indians lost several killed and wounded the number not exactly known."

This was an important victory; two kings, and two hundred warriors fell—a much larger number were wounded—their villages were depopulated—their houses demolished, and the fanatic spell, which urged them on to deeds of bloody daring, was broken; and on "their beloved ground, on which they proclaimed no white man could approach without inevitable destruction," they saw their warriors fall before the prowess of our arms, and their dwellings wrapped in conflagration.

While these interesting events were transpiring, General Jackson was encountering great difficulties in consequence of famine and mutiny among his corps at Fort Strother. After the battle of Talladega, as has been before stated, the defenceless condition of his rear compelled him to fall back on that fortress. Here his troops were compelled to submit to all the horrors of starvation. Their whole stock of provisions consisted only of a few cattle taken from the enemy, or purchased from the Cherokees. In these circumstances, General Jackson made every exertion to alleviate the distresses of his soldiers. He covered his table with offals and acorns from the forest, and partook of no better fare than the most humble of his corps. Great discontent, however, was produced among his troops by the privations and hardships of their situation, which at length broke out in open mutiny. They were clamorous to break up the campaign, and return home; to effect this they were even encouraged by

many of the subordinate officers. General Jackson saw the vast importance of maintaining his post and army entire till supplies should arrive. He knew that the hopes of the borderers of Georgia and Tennessee rested upon him; he knew that they had watched his operations with intense anxiety, and hailed his triumphant victories with the most heartfelt gratitude and delight; he knew that if the campaign were to end here, that all his former successes would be rendered worse than useless, and instead of guarantying security to the frontiers, would only serve to whet the savage vengeance of the enemy, and impel them to the perpetration of more revolting scenes of havock and bloodshed.

Impelled by these momentous considerations, General Jackson resorted to every persuasive expedient to allay the discontent of his troops. He reminded them of the past—the unshaken fortitude they had displayed in their hazardous expedition to Natchez—the daring courage they had manifested upon the plains of Tallushatches and Talladega—the exposure of their families and kindred to the horrors of savage butchery. But all his efforts were unavailing. Could he have said to them, Yonder is you enemy; charge, and by one decisive victory put an end to this contest; every soldier would have followed his commander to battle, and yielded the best blood of his heart, rather than behold the proud banner of his country dishonored. But to sit down and patiently wait for the arrival of uncertain supplies, with the prospect of starvation before them, was not so congenial with the ardent temperaments of the brave Tennesseans. Every pacific expedient on the part of General Jackson having been exhausted, he was at length compelled to resort to force. When, therefore, the militia revolted openly, and were about to abandon the camp, he drew up the volunteers under arms, with orders to prevent their departure. This

display of resolution overawed the militia, and they returned to their tents.

The volunteers, however, were themselves disaffected, and soon prepared to follow the example, which, a short time previous, they had been instrumental in preventing the militia from executing. But the general had antici pated their measures, and prepared to counteract them As they were about to leave the camp, the militia opposed them, and expressed their determination of enforcing their stay, if necessary, at the point of the bayonet. This movement produced the same effect upon the volunteers, as theirs of a similar nature had before done upon the militia, and like them, they returned again to their tents. The cavalry, however, were in a condition which silenced every objection to their departure; their forage was entirely exhausted, and they had no prospect of obtaining more. General Jackson therefore permitted them to return home, on condition they would rejoin him if necessity required.

Mutiny, however, continued to exist in the minds of his troops, notwithstanding all his endeavours to suppress it. He promised that if supplies did not arrive in two days, he would abandon his position, and march his army to the settlements. But nothing would satisfy the volun teers. And he was compelled to allow one regiment to depart, with a stipulation to return after they should have satisfied their most pressing wants. The militia display ed more firmness, and waited till the two stipulated days had elapsed, but the supplies did not arrive. They required of the general a redemption of his pledge, and he could not refuse. In the bitterness of his mortification, he exclaimed that if but two men would abide with him, he would never abandon the fort. Captain Gordon and one hundred more immediately proposed to remain and protect the position. Leaving this garrison behind, the

army prepared for its march homeward. Scarcely had the troops left Fort Strother, when they were met by a convoy of the long expected commissaries' stores. This was rather an unwelcome sight to the troops, whose minds were fixed upon home. After some resistance, which was overcome by a most signal display of firmness and energy by General Jackson, they returned to Fort Strother.

That the reader may have a clearer idea of the difficulties of General Jackson's situation, and the courage requisite to surmount them, we present an extract from a letter written by a gentleman who was an actor in the scenes he describes.

"Since the battle of Tallushatches and Talladega, the army of General Jackson has crumbled to pieces. The whole of his volunteer infantry are returning home—insisting that their time of service expired on the 10th of this month, being the anniversary of their rendezvous at Nashville. The General, however, did not discharge them; the decision is left with the governor of Tennessee. What he will do, is not yet known. The universal impression, however, is, that they will be discharged. Yet nothing is more clear than that they have *not served* twelve months—and they were, by law, to serve twelve months in a period of two years, unless sooner discharged. The General's force now at fort Strother, Ten Islands or Coosa, may amount to about fifteen hundred men, chiefly drafted militia. Of these, nearly the whole will be entitled to discharge about the fourth of the ensuing month. It is supposed that not more than one hundred and fifty, or two hundred, who are attached to the General personally, and will remain through motives of affection, will be left with him after that day. Doubtless you know that the brigade of cavalry volunteers and mounted riflemen under the command of General Coffee, were some

time since ordered into the settlements to recruit their horses for a few days, and procure new ones. About half, perhaps eight hundred, appeared at the day and place of rendezvous; but of these not more than six hundred would consent to go on after the 10th. About *half* of this last number were of the old volunteer cavalry, the rest mounted men newly raised. The first will certainly return with the volunteer infantry, their term commencing and expiring together. The last claim a discharge at the expiration of three months from the day they were mustered into service; which must be nearly out. We may say, then, that all these are gone too. Yet General Jackson has very recently received an order from General Pinckney, to garrison and maintain every inch of ground he gains. And although all active exertions of the campaign seem to be paralised, I still hope this may, and will be done. General Cocke is now in East Tennessee, endeavoring to collect a new levy; as to his success we know nothing. General Roberts, from West Tennessee, passed through our country three days ago, and has just crossed the river with about two hundred and fifty men Colonel Carroll, inspector-general of this army, arrived to-day with a force of five or six hundred, and four companies are proposed to be sent from this county. How long these men are to serve, I know not—not longer, I fancy, than three months. I trust, however, that this system of short service, wretched as it is inefficient, and expensive above all others, will yet enable Jackson to occupy till spring the ground he has won. Perhaps the return of moderate weather, and great efforts meanwhile, may collect around his banner, an army sufficient to effect the complete discomfiture and prostration of the Creek power. This, however, will be every day a work of greater difficulty. The English have already appeared in force at Pensacola, seven sail having troops on board,

besides two bomb vessels. Orleans will be menaced. Mobile is considered in great danger. The force on the Tombigbee waters, and the 3d regiment ascending the Alabama, will be called to its defence. This gives the Creeks breathing time, and lessens the force destined to crush them. Augustine, too, will doubtless be occupied by British troops; and from these points, arms, ammunition, and perhaps men and leaders, will be pushed up to the aid of the Upper and Middle Creeks. The Seminoles and the runaway negroes among them, may be turned loose upon the sea-coast of Georgia."

The discontent of the troops was but little abated after their return to Fort Strother. The arrival of a sufficient supply of stores, obviated the necessity for food; yet the minds of the soldiers having been once fixed upon the prospect of quitting the toils and privations of military life, could not easily be brought to relinquish the favorite idea of returning to their homes. The troops remonstrated against their detention, whilst the general resorted to every expedient to induce them to remain. He addressed a letter to the governor of Tennessee for instructions; and in his reply the governor, in consequence of the disaffection of the troops, and the reluctance they manifested at remaining, was induced to recommend an abandonment of the expedition. General Jackson no longer attempted to detain his men, but dismissed the discontented. A few only of his original army, "good men and true," remained behind with their general, to prosecute the war which had been so gloriously commenced.

The governor of Tennessee was soon aware of the error into which he had been led, by recommending an abandonment of the expedition, and affected by the expostulations of General Jackson, and the difficulties which surrounded him, he set himself vigorously to work in

applying a remedy. He ordered a levy of twenty-five hundred men from the second division, to assemble at Fayetteville on the twenty-eighth of January, to serve for a period of three months. Brighter prospects now began to dawn upon General Jackson, and after encountering the most appalling difficulties with an energy and decision, which compelled even his enemies to acknowledge, "that he made the most extraordinary efforts, and that it is no more than charitable to believe that he was actuated by the love of his country, *while acting in opposition to her laws.*"

The forces under the command of General Claiborne, General Floyd, and General Jackson, acted in concert in the prosecution of the Creek war. The latter was constantly advised of the movements of the former, and always exerting himself to render them assistance. About the first of January, 1814, he received the cheering intelligence that General Claiborne had achieved an important victory upon the Alabama, more than one hundred miles from Fort Strother, his head-quarters. The battle was fought at Eccanachaca, the residence of the prophets Wetherford, Francis, and Sinquister. It was built since the commencement of hostilities, as a place of security for the natives, and as a depôt for provisions. Like Autoussee, it was deemed, by the superstitious natives, the grave of white men. On the 23d December, it was attacked; between thirty or forty warriors were slain; the whole town of two hundred houses destroyed, and a large quantity of provisions taken. The town being surrounded by swamps and deep ravines, facilitated the escape of the savages from the pursuit of the Americans. The next day, a town of sixty houses, about eight miles above the holy ground, was destroyed, together with several distinguished chiefs, and all the boats belonging to the savages of that station.

CHAPTER IV.

Newly raised troops—They arrive at Fort Strother—Join the forces of Gen. Jackson—He marches them to Talladega—The enemy at Emuckfaw river—Gen. Jackson advances upon them—Attacks them—His official report of the battle—Important results of his victory—Operations of the Georgia forces—General Floyd's victory—The Creeks fortify themselves at the Horse-Shoe—Gen. Jackson attacks them—Defeats them—His account of the battle—He is censured for his severity to the Creeks—Causes which justified his treatment of them—His vindication.

The newly raised Tennessee volunteers arrived at Fort Strother, and joined the forces of Gen. Jackson about the middle of January, 1814, and soon after their organization, took up the line of march for Talladega. The whole force led on by Gen. Jackson, consisted of the volunteers, two mounted regiments, an artillery company, three companies of foot, and a company of volunteer officers, nine hundred and thirty in all. Two or three hundred friendly Creeks and Cherokees joined them at Talladega. With this force he continued his march to Emuckfaw river, where a large body of the enemy had collected.

On the 21st, he approached the neighborhood of the enemy. At day break the next morning, the Creek warriors drove in the sentinels, and vigorously charged the left flank. The assault was bravely given and bravely

received, and the battle was maintained with great spirit on both sides for half an hour. The following is General Jackson's official report of the engagement, to Maj. Gen. Pinckney, of the U. S. army, and as it is more interesting than any other detail we can procure, we lay it with pleasure before our readers:

Head Quarters, Fort Strother, Jan. 29, 1814.

Maj. Gen. Thomas Pinckney,

Sir—I had the honor of informing you in a letter of the 31st ult. [express] of an excursion I contemplated making still further in the enemy's country, with the new raised volunteers from Tennessee. I had ordered those troops to form a junction with me on the 10th inst., but they did not arrive until the 14th. Their number, including officers, was about eight hundred, and on the 15th, I marched them across the river to graze their horses. On the next day I followed with the remainder of my force, consisting of the artiliery company, with one six pounder, one company of infantry of forty-eight men, two companies of spies commanded by Capts. Gordon and Russell, of about thirty men each, and a company of volunteer officers, headed by Gen. Coffee, who had been abandoned by his men, and who still remained in the field awaiting the orders of the government; making my force, exclusive of Indians, nine hundred and thirty.

The motives which influenced me to penetrate still further into the enemy's country, with this force, were many and urgent. The terms of service of the new raised volunteers was short, and a considerable part of it was expired; they were expensive to the government; and were full of ardor to meet the enemy. The ill effects of keeping soldiers of this description long stationary and idle, I had been made to feel but too sensibly already—other causes concurred to make such a movement not only justifiable, but absolutely necessary. I had received a

letter from Capt. M'Alpin, of the fifth inst., who commanded at Fort Armstrong, in the absence of Col. Snodgrass, informing me that fourteen or fifteen towns of the enemy, situated on the waters of the Tallapoosa, were about uniting their forces, and attacking that place, which had been left in a very feeble state of defence. You had in your letter of the 24th ult. informed me that General Floyd was about to make a movement to the Tallapoosa, near its junction with the Coosa; and in the same letter had recommended temporary excursions against such of the enemy's towns, or settlements, as might be within striking distance, as well to prevent my men from becoming discontented, as to harass the enemy. Your ideas corresponded exactly with my own, and I was happy in the opportunity of keeping my men engaged, distressing the enemy, and at the same time making a diversion to facilitate the operations of Gen. Floyd.

Determined by these and other considerations, I took up the line of march on the 17th inst., and on the 18th, encamped at Talladega fort, where I was joined by between two and three hundred friendly Indians: sixty five of whom were Cherokees, the balance Creeks. Here I received your letter of the 9th inst., stating that General Floyd was expected to make a movement from Cowetau the next day, and that in ten days thereafter he would establish a firm position at Tuckbatchee; and also a letter from Col. Snodgrass, who had returned to Fort Armstrong, informing me that an attack was intended to be soon made on that fort, by nine hundred of the enemy. If I could have hesitated before, I could now hesitate no longer. I resolved to lose no time in meeting this force, which was understood to have been collected from New Yorcau, Oakfuskie, and Ufauley towns, and were concentrated in a bend of the Tallapoosa, near the mouth of a creek, called Emuckfaw, and on an island below New Yorcau.

On the morning of the 20th, your letter of the 10th inst., forwarded by M'Candles, reached me at the Hillabee Creek; and that night I encamped at Enotachopco, a small Hillabee village, about twelve miles from Emuckfaw. Here I began to perceive very plainly how little knowledge my spies had of the country, of the situation of the enemy, or of the distance I was from them. The insubordination of the new troops, and the want of skill in most of their officers, also became more and more apparent. But their ardor to meet the enemy was not diminished; and I had sure reliance upon the guards, and upon the company of old volunteer officers, and upon the spies, in all about one hundred and twenty-five. My wishes and my duty remained united, and I was determined to effect, if possible, the objects for which the excursion had been principally undertaken.

On the morning of the 21st, I marched from Enotachopco, as direct as I could for the bend of the Tallapoosa, and about two o'clock, P. M. my spies having discovered two of the enemy, endeavored to overtake them, but failed. In the evening I fell in upon a large trail, which led to a new road, much beaten and lately traveled. Knowing that I must have arrived within the neighborhood of a strong force, and it being late in the day, I determined to encamp, and reconnoitre the country in the night. I chose the best site the country would admit, encamped in a hollow square, sent out my spies and pickets, doubled my sentinels, and made the necessary arrangements before dark, for a night attack. About ten o'clock at night, one of the pickets fired at three of the enemy, and killed one, but he was not found until the next day. At eleven o'clock, the spies whom I had sent out, returned with the information, that there was a large encampment of Indians at the distance of about three miles, who, from their whooping and dancing, seemed to

oe apprised of our approach. One of these spies, an Indian in whom I had great confidence, assured me that they were carrying off their women and children, and that the warriors would either make their escape, or attack me before day. Being prepared at all points, nothing remained to be done but to await their approach, if they meditated an attack, or to be in readiness, if they did not to pursue and attack them at day-light. While we were in this state of readiness, the enemy about six o'clock in the morning commenced a vigorous attack on my left flank, which was vigorously met; the action continued to rage on my left flank, and on the left of my rear, for about half an hour. The brave Gen. Coffee, with Col. Sitler, the adjutant general and Col. Carrol, the inspector general, the moment the firing commenced, mounted their horses and repaired to the line, encouraging and animating the men to the performance of their duty. So soon as it became light enough to pursue, the left wing having sustained the heat of the action, and being somewhat weakened, was reinforced by Capt. Ferrill's company of infantry, and was ordered and led on to the charge by Gen. Coffee, who was well supported by Col. Higgins and the inspector general, and by all the officers and privates who composed that line. The enemy was completely routed at every point, and the friendly Indians joining in the pursuit, they were chased about two miles with considerable slaughter.

The chase being over, I immediately detached General Coffee with four hundred men, and all the Indian force, to burn their encampment; but it was said by some to be fortified. I ordered him in that event, not to attack it until the artillery could be sent forward to reduce it. On viewing the encampment and its strength, the general thought it most prudent to return to my encampment, and guard the artillery thither. The wisdom of this step was soon discovered—in half an hour after his return to camp,

a considerable force of the enemy made its appearance on my right flank, and commenced a brisk fire on a party of men, who had been on picket guard the night before, and were then in search of the Indians they had fired upon, some of whom they believed had been killed. General Coffee immediately requested me to let him take two hundred men, and turn their left flank, which I accordingly ordered; but, through some mistake which I did not then observe, not more than fifty-four followed him, among whom were the old volunteer officers. With these, however, he immediately commenced an attack on the left flank of the enemy; at which time I ordered two hundred of the friendly Indians, to fall in upon the right flank of the enemy, and co-operate with the general. This order was promptly obeyed, and on the moment of its execution, what I expected was realized. The enemy had intended the attack on the right as a feint, and expecting to direct all my attention thither, meant to attack me again, and with their main force on the left flank, which they had hoped to find weakened and in disorder—they were disappointed. I had ordered the left flank to remain firm in its place, and the moment the alarm gun was heard in that quarter, I repaired thither, and ordered Capt. Ferrill, part of my reserve, to support it. The whole line met the approach of the enemy with astonishing intrepidity, and having given a few fires, they forthwith charged with great vigor—the effect was immediate and inevitable. The enemy fled with precipitation, and were pursued to a considerable distance, by the left flank and the friendly Indians, with a galling and destructive fire. Col. Carrol, who ordered the charge, led on the pursuit, and Colonel Higgins and his regiment again distinguished themselves.

In the mean time, Gen. Coffee was contending with a superior force of the enemy. The Indians who I had

ordered to his support, and who had set out for this purpose, hearing the firing on the left, had returned to that quarter, and when the enemy were routed there, entered into the chase. That being now over, I forthwith ordered Jim Fife, who was one of the principal commanders of the friendly Creeks, with one hundred of his warriors, to execute my first order. So soon as he reached General Coffee, the charge was made, and the enemy routed; they were pursued about three miles, and forty-five of them slain, who were found. Gen. Coffee was wounded in the body, and his aid-de-camp, A. Donaldson, killed, together with three others. Having brought in and buried the dead, and dressed the wounded, I ordered my camp to be fortified, to be the better prepared to repel any attack which might be made in the night, determined to make a return march to Fort Strother the following day. Many causes concurred to make such a measure necessary, as I had not set out prepared, or with a view to make a permanent establishment. I considered it worse than useless to advance and destroy an empty encampment. I had, indeed, hoped to have met the enemy there, but having met and beaten them a little sooner, I did not think it necessary or prudent to proceed any further—not necessary, because I had accomplished all I could expect to effect by marching to their encampment; and because if it was proper to contend with and weaken their forces still farther, this object would be more certainly attained, by commencing a return, which having to them the appearance of a retreat, would inspirit them to pursue me. Not prudent—because of the number of my wounded; of the reinforcements from below, which the enemy might be expected to receive; of the starving condition of my horses, they having had neither corn nor cane for two days and nights; of the scarcity of supplies for my men, the Indians who joined me at Talladega having drawn

none, and being wholly destitute; and because if the enemy pursued me, as it was likely they would, the diversion in favor of Gen. Floyd would be the more complete and effectual. Influenced by these considerations, I commenced my return march, at half after ten on the 23d, and was fortunate enough to reach Enotachopco before night, having passed, without interruption, a dangerous defile occasioned by a hurricane. I again fortified my camp, and having another defile to pass in the morning, across a deep creek, and between two hills which I had viewed with attention as I passed on, and where I expected I might be attacked, I determined to pass it at another point, and gave directions to my guide and fatigue men accordingly. My expectation of an attack in the morning was increased by the signs of the night, and with it my caution. Before I moved the wounded from the interior of my camp, I had my front and rear guards formed, as well as my right and left columns, and moved off my centre in regular order, leading down a handsome ridge to Enotachopco creek, at a point where it was clear of reed, except immediately on its margin. I had previously issued a general order, pointing out the manner in which the men should be formed in the event of an attack on the front or rear, or on the flanks, and had particularly cautioned the officers to halt and form accordingly, the instant the word should be given.

The front guard had crossed with part of the flank columns, the wounded were over, and the artillery in the act of entering the creek, when an alarm gun was heard in the rear. I heard it without surprise, and even with pleasure, calculating with the utmost confidence on the firmness of my troops, from the manner in which I had seen them act on the 22d. I had placed Col. Carrol at the head of the centre column of the rear guard; its right column was commanded by Col. Perkins, and its left by

Col. Stump. Having chosen the ground, I expected there to have entirely cut off the enemy, by wheeling the right and left columns on their pivot, recrossing the creek above and below, and falling in upon their flanks and rear. But to my astonishment and mortification, when the word was given by Col. Carrol to halt and form, and a few guns had been fired, I beheld the right and left columns of the rear guard precipitately give way. This shameful retreat was disastrous in the extreme; it drew along with it the greater part of the centre column, leaving not more than twenty-five men, who being formed by Col. Carrol, maintained their ground as long as it was possible to maintain it, and it brought consternation and confusion into the centre of the army; a consternation which was not easily removed, and a confusion which could not be soon restored to order. There was then left to repulse the enemy, the few who remained of the rear guard, the artillery company, and Capt. Russell's company of spies. They however realized and exceeded my highest expectations. Lieut. Armstrong, who commanded the artillery company in the absence of Capt. Deaderick, (confined by sickness,) ordered them to form and advance to the top of the hill, whilst he and a few others dragged up the six pounder. Never was more bravery displayed than on this occasion. Amidst the most galling fire from the enemy, more than ten times their number, they ascended the hill, and maintained their position until their piece was hauled up, when having leveled it, they poured upon the enemy a fire of grape, reloaded and fired again, charged and repulsed them.

The most deliberate bravery was displayed by Constantine Perkins and Craven Jackson, of the artillery, acting as gunners. In the hurry of the moment, in separating the gun from the limbers, the rammer and picker of the cannon was left tied to the limber. No sooner was

this discovered, than Jackson, amidst the galling fire of the enemy, pulled out the ramrod of his musket and used it as a picker; primed with a cartridge and fired the cannon. Perkins having pulled off his bayonet, used his musket as a rammer, drove down the cartridge; and Jackson using his former plan, again discharged her. The brave Lieut. Armstrong, just after the first fire of the cannon, with Capt. Hamilton of E. Tennessee, Bradford and M'Gavock, all fell, the Lieut. exclaiming as he lay, "*My brave fellows, some of you may fall, but you must save the cannon.*" About this time, a number crossed the creek and entered into the chase. The brave Capt. Gordon of the spies, who rushed from the front, endeavored to turn the flank of the enemy, in which he partially succeeded, and Col. Carrol, Col. Higgins, and Capt. Elliot and Pipkins, pursued the enemy for more than two miles, who fled in consternation, throwing away their packs, and leaving twenty-six of their warriors dead on the field. This last defeat was decisive, and we were no more disturbed by their yells. I should do injustice to my feelings if I omitted to mention that the venerable Judge Cocke, at the age of sixty-five, entered into engagement, continued the pursuit of the enemy with youthful ardor, and saved the life of a fellow-soldier by killing his savage antagonist.

Our loss in this affair was — killed and wounded, among the former was the brave Capt. Hamilton, from East Tennessee, who had, with his aged father and two others of his company, after the period of his engagement had expired, volunteered his services for this excursion, and attached himself to the artillery company. No man ever fought more bravely, or fell more gloriously; and by his side fell with equal bravery and glory, Bird Evans of the same company. Capt. Quarles, who commanded the centre column of the rear guard, preferring

death to the abandonment of his post, having taken a firm stand in which he was followed by twenty-five of his men, received a wound in his head of which he has since died.

In these several engagements, our loss was twenty killed and seventy-five wounded, four of whom have since died. The loss of the enemy cannot be accurately ascertained; one hundred and eighty-nine of their warriors were found dead; but this must fall considerably short of the number really killed. Their wounded can only be guessed at.

Had it not been for the unfortunate retreat of the rear guard in the affair of the 24th inst. I think I could safely have said, that no army of militia ever acted with more cool and deliberate bravery: undisciplined and inexperienced as they were, their conduct in the several engagements of the 22d, could not have been surpassed by regulars. No men ever met the approach of an enemy with more intrepidity, or repulsed them with more energy. On the 24th, after the retreat of the rear guard, they seemed to have lost all their collectedness, and were more difficult to be restored to order, than any troops I had ever seen. But this was no doubt owing in a great measure, or altogether, to that very retreat, and ought rather to be ascribed to the want of conduct in many of their officers, than any cowardice in the men, who on every occasion have manifested a willingness to perform their duty, so far as they knew it.

All the effects which were designed to be produced by this excursion, it is believed *have been produced.* If an attack was meditated against Fort Armstrong, that has been prevented. If Gen. Floyd is operating on the east side of the Tallapoosa, as I suppose him to be, a most fortunate diversion has been made in his favor. The number of the enemy has been diminished, and the con-

fidence they may have derived from the delays I have been made to experience, has been destroyed. Discontent has been kept out of my army, while the troops who would have been exposed to it, have been beneficially employed. The enemy's country has been explored, and a road cut to the point where their force will probably be concentrated, when they shall be driven from the country below. But in a report of this kind, and to you who will immediately perceive them, it is not necessary to state the happy consequences which may be expected to result from this excursion. Unless I am greatly mistaken, it will be found to have hastened the termination of the Creek war, more effectually than any measure I could have taken with the troops under my command.

I am, Sir, with sentiments of high respect, your obedient servant, ANDREW JACKSON.

This was an important victory, and contributed much towards weakening the power of the enemy, and of enabling Gen. Jackson to bring the Creek war to a speedy termination. He marched his army back to Fort Strother unmolested by the savages, whose spirits were much depressed by the sanguinary conflict, which had proved so disastrous to their hopes. This victory was followed by another obtained by the Georgia forces, under Gen. Floyd.

That officer was stationed, with his troops, at Camp Defiance, fifty miles west of Chatahouchee. Upon the 27th January, he was assailed very early, by a numerous horde of savages. The sentinels were suddenly driven in, and a most desperate attack was commenced upon the lines. General Floyd thus describes the engagement.

"The steady firmness and incessant fire of Captain Thomas' artillery, and Captain Adams' riflemen, preserved our front line: both of these suffered greatly. The enemy rushed within thirty yards of the artillery, and Captain Broadnax, who commanded one of the picket guards,

maintained his post with great bravery, until the enemy gained his rear, and then cut his way through them to the army. On this occasion, Timpoochie Barnuel, a half breed, at the head of the Uchies, distinguished himself, and contributed to the retreat of the picket guard: the other friendly Indians took refuge within our lines and remained inactive, with the exception of a few who joined our ranks. So soon as it became light enough to distinguish objects, I ordered Majors Watson's and Freeman's battalions to wheel up to right angles, with Majors Booth's and Cleveland's battalions, who formed the right wing, to prepare for the charge. Captain Duke Hamilton's cavalry, (who had reached me but the day before,) was ordered to form in the rear of the right wing, to act as circumstances should dictate. The order for the charge was promptly obeyed, and the enemy fled in every direction before the bayonet. The signal was given for the charge of the cavalry, who pursued, and sabred fifteen of the enemy; who left thirty-seven dead on the field. From the effusion of blood, and the number of head-dresses and war-clubs found in various directions, their loss must have been considerable, independent of the wounded.

I directed the friendly Indians, with Merriwether's and Ford's rifle companies, accompanied by Captain Hamilton's troop, to pursue them through Callibee Swamp, where they were trailed by their blood, but succeeded in overtaking but one of their wounded.

Colonel Newman received three balls in the commencement of the action, which deprived me of the services of that gallant and useful officer. The assistant Adjutant General Narden was indefatigable in the discharge of his duty, and rendered important services: his horse was wounded under him. The whole of the staff was prompt, and discharged their duty with courage and fidelity; their

vigilance, the intrepidity of the officers, and the firmness of the men, meet my approbation, and deserve the praise of their country. I have to regret the death of many of my brave fellows, who have found honourable graves in the voluntary support of their country.

My aid-de-camp, in executing my orders, had his horse killed under him. General Lee and Major Pace, who acted as additional aids, rendered me essential services, with honor to themselves. and usefulness to the cause in which they have embarked. Four wagon, and several other horses, were killed, and two of the artillery horses wounded. While I deplore the losses sustained on this occasion, I have the consolation to know, that the men who I have the honor to command, have done their duty."

The loss of the Americans in this battle, was seventeen killed, and one hundred and thirty-two wounded. General Jackson found that one great object of his last brilliant expedition was effected—the relief of the Georgia militia.

It was now the first of February, 1814. General Jackson's forces were at Fort Strother, where, although in no immediate danger of famine, there was by no means a supply for any length of time. General Jackson, ever since he had commanded the army in the Creek country, had had his attention diverted from the great object of a general—the organization of his army—the introduction of correct discipline, and preparation for active service. Indeed, he had to perform the duty of commissary, quarter-master, and commander. Washington was often in his situation in the war of the Revolution. He could find an excuse for his countrymen, in the then destitute state of the country ; but for the contractors for the southern army in 1814, there was no excuse. In a country abounding in beeves, swine, and bread stuffs, an army had often been driven to mutiny and desertion through the appre-

hension of want. There is, probably, not an officer in the American service, but who will condemn the mode of supplying an army by contractors. They make the best terms they can with the government for themselves; the hardest possible terms for the seller of provisions, and often furnish the war-worn veteran with rations deficient in quantity, and miserable in quality. They think of nothing but gaining a fortune, while the gallant soldiers, who are suffering by their frauds, and famishing by their avarice, are gaining victories for their country.

General Jackson had suffered too much, with his brave soldiers, for longer endurance. He supplied his army by his own agents, leaving the contractors to pay the expense. When no longer any cause existed for complaints in his camp, he silenced them. He caused a mutineer to be tried by a court martial; and when condemned to die, he approved of the sentence, and he suffered death. He ordered every officer to be arrested within his command, who should be found exciting mutiny or disobedience. He knew that a crisis had arrived when a great blow must be struck, or the expedition abandoned.

The Creeks had assembled in great force at the bend of the Tallapoosa, at a place called by the savages Tohopeka—by the Americans, the Horse-Shoe. At this place, the most desperate resistance was expected; and every measure, within the limited means of General Jackson, was resorted to, to meet it.

The 39th regiment United States infantry, under the command of Col. Williams, had been ordered to join the army under General Jackson. It did not exceed six hundred men. By the middle of March, his whole force amounted to between three and four thousand. He then commenced his march. Upon the 21st, he established a fort at the mouth of Cedar Creek, and named it Fort Williams. Leaving a sufficient force to protect it, he renewed his

march upon the 24th. Upon the 27th, a day which will be remembered in the traditional annals of the brave, the infatuated, the blood thirsty Creeks, until they become extinct, General Jackson and his army reached Tohopeka. The events of that day, are thus briefly detailed by the commander.

Battle Ground, bend of Tallapoosa,
28th March, 1814.

Maj. Gen. Pinckney:

Sir—I feel particularly happy in being able to communicate to you, the fortunate eventuation of my expedition to the Tallapoosa. I reached the head, near the Emuckfau, called by the whites the Horse-Shoe, about ten o'clock on the forenoon of yesterday, where I found the strength of the neighboring towns collected. Expecting our approach, they had gathered in from Oakfuskie, Oakehoga, New Yorcau, Hillabees, the Fish Pond, and Eufaulee towns, to the number, it is said, of one thousand. It is difficult to conceive a situation more eligible for defence than the one they had chosen, or one rendered more secure by the skill with which they had erected their breastwork. It was from five to eight feet high, and extended across the point in such a direction, as that a force approaching it would be exposed to a double fire, while they lay in perfect security behind. A cannon planted at one extremity could have raked it to no advantage.

Determining to exterminate them, I detached General Coffee with the mounted men, and nearly the whole of the Indian force, early on the morning of yesterday, to cross the river about two miles below their encampment, and to surround the bend in such a manner, as that none of them should escape by attempting to cross the river. With the infantry, I proceeded slowly, and in order, along the point of land which led to the front of their breast work; having planted my cannon, one six and one three pounder, on

an eminence at the distance of one hundred and fifty to two hundred yards from it, I opened a very brisk fire, playing upon the enemy with muskets and rifles whenever they showed themselves beyond it. This was kept up with short interruptions for about two hours, when a part of the Indian force, and Captain Russell's and Lieutenant Bean's company of spies, who had accompanied General Coffee, crossed over in canoes to the extremity of the bend, and set fire to a few of the buildings which were there situated; they then advanced with great gallantry towards the breastwork, and commenced a spirited fire upon the enemy behind it.

Finding that this force, notwithstanding the bravery they displayed, was wholly insufficient to dislodge them, and that General Coffee had entirely secured the opposite bank of the river, I now determined to take it by storm. The men by whom this was to be effected, had been waiting with impatience to receive the order, and hailed it with acclamation.

The spirit which animated them, was a sure augury of the success which was to follow. The history of warfare, I think furnishes few instances of a more brilliant attack. The regulars, led on by their intrepid and skillful commander, Colonel Williams, and by the gallant Major Montgomery, soon gained possession of the works, in the midst of a most tremendous fire from behind them; and the militia of the venerable General Doherty's brigade, accompanied them in the charge with a vivacity and firmness which would have done honor to regulars. The enemy were completely routed. Five hundred and fifty-seven were left dead on the peninsula, and a great number were killed by the horsemen in attempting to cross the river: it is believed that not more than twenty have escaped.

The fighting continued with some severity about five hours, but we continued to destroy many of them who

had concealed themselves under the banks of the river, until we were prevented by the night. This morning we killed sixteen who had been concealed. We took about two hundred and fifty prisoners, all women and children, except two or three. Our loss is one hundred and sixty wounded, and twenty-five killed; Major M'Intosh, (the Cowetau,) who joined my army with a part of his tribe, greatly distinguished himself. When I get an hour's leisure, I will send you a more detailed account.

According to my original purpose, I commenced my return march to Fort Williams to-day, and shall, if I find sufficient supplies there, hasten to the Hickory Ground. The power of the Creeks is, I think, forever broken.

I send you a hasty sketch, taken by the eye, of the situation on which the enemy were encamped, and of the manner in which I approached them.

I have the honor to be, &c.

ANDREW JACKSON.

Maj. Gen. Pinckney.

The loss of the Americans, added to the whole loss of the friendly Indians, was fifty-four killed and one hundred and fifty-six wounded.

In communicating the result of this victory to the War Department, General Pinckney elegantly and impressively observes: "While the sigh of humanity will escape, for this profuse effusion of human blood, which results from the savage principle of our enemy, neither to give nor accept quarter; and while every American will deeply lament the loss of our meritorious fellow-soldiers who have fallen in this contest, we have ample cause of gratitude to the Giver of all victory, for thus continuing his protection to our women, and children, who would otherwise be exposed to the indiscriminate havoc of the tomahawk, and all the horrors of savage warfare."

Much obloquy and gratuitous animadversion has been

bestowed upon General Jackson, for his severity to the Indians at the battle of the Horse-Shoe. It has been termed by his enemies "a cold-blooded massacre." With what propriety or fairness it can be termed such, is very difficult to conceive. With respect to its being a "cold-blooded massacre," as no order for one was ever issued by General Jackson, it is a calumny on the courage and humanity of his officers and men, who have added unfading laurels to those which they gained on that desperate day—many of whom, in their unrivalled campaigns, found honorable wounds or glorious death—and some of whom have filled and occupy the highest stations, in the esteem and government of a grateful country. There is no foundation whatever, in truth or history, to support such a charge.

General Carrol, the late governor of Tennessee, and a distinguished disciple of General Jackson in war, whose rank and presence in this action, gave him a minute acquaintance with its features, upon ascertaining that such a charge had been preferred against General Jackson, declared, "that during the whole of the Creek war, he served as inspector general of the army; was present at the battle of the Horse Shoe, and could say from his own personal knowledge, that the charge was wholly without foundation. That towards the close of the action, after the breastworks had been taken by assault, a number of Indians took refuge under a quantity of brush and logs; that General Jackson advanced to within a short distance of the place of their concealment, and directed his interpreter, George Mayfield, to assure them, that if they would surrender they should be treated with the greatest humanity; and that they answered the proposition by firing upon and wounding Mayfield severely in the shoulder. That a similar proposition was also made by Jim Fife, or old Chinnebee, and the fire of the Indians was the only reply

it received. That it was after a number of our men were killed and wounded by those Indians, and after they had twice refused to surrender upon any terms, that the charge was made upon them, and the brush set on fire, from which a few only escaped with life. That the prisoners taken on that day, including a large number of women and children, were humanely treated by General Jackson; and that he felt himself impelled to state these facts in justice to General Jackson, and the brave men who fought the battle of the Horse-Shoe."

But these charges against General Jackson, were doubtless intended to inculcate the belief, that dislodging those desperate Indians, who rejected quarter, and prolonged the battle after resistance was vain, was of itself a "cold-blooded massacre." Are then the enemies of the United States, when waging a savage unsparing war, to requite with wounds and death our offers of humanity and protection, and yet be saved from death or retaliation? Are our commanders to begin an action, overpower by great efforts the main force of the enemy, and then abandon the field and the victory to a few desperadoes? General Jackson's duty to his country and his government, compelled him, if in his power, to defeat the enemy; and that operation necessarily involves the destruction of every adversary, who refuses to yield. Had the desperate party at the Horse-Shoe, been a detachment of Bonaparte's Imperial Guard, the veterans of fifty pitched battles, and commanded by Ney or Soult, they must have suffered the fate of the Indians—as a garrison which refuses a summons, may, by the laws of war, be blown into the air. But who were these determined and deluded savages? The same who, when the sudden hostility of their nation rose like an inundation on the settlements of Alabama, herding hundreds of women and children into Fort Mimms, broke into that asylum with treachery, fire, and

murder; who followed to that feast of butchery, where quarter was neither offered nor allowed, the volcanic voice of Weatherford, and as it rose above the shouts of fury, and the shrieks of despair, breathing inextinguishable rage, and demanding relentless slaughter, obeyed its ferocious summons, until but seventeen out of three hundred of our unarmed citizens were left alive. They were the same men who, under cover of a truce granted for their benefit by General Jackson, had entrapped and slaughtered the son of Chinnebee, the Massanissa of the Creeks, the friend and ally of the American people. These are the beings, whose self-provoked destruction in a fair and hard-fought action, it would be the wish of General Jackson's enemies to have considered a "cold-blooded massacre." These are the facts relative to the battle of the Horse-Shoe; our readers will give them their due consideration, and censure or applaud, as the justice or circumstances of the case may seem to dictate.

CHAPTER V.

General Jackson returns to Fort Williams—Marches to the Hickory Grounds—Prospects of the Creeks—They sue for peace—General Pinckney arrives at Fort Jackson—Interchange of courtesies between him and General Jackson—General Pinckney assumes the command—Disbands the troops—General Jackson returns to Tennessee—His reception there—Is appointed to negotiate with the Creeks—Eloquence of the Chiefs—He concludes a peace with them—Spanish aggressions—Correspondence between General Jackson and Governor Manriquez—General Jackson at Mobile—Attack on Fort Bowyer—Major Lawrence's report of it.

About the 1st of April, General Jackson returned with his army to Fort Williams. When he assumed the direction of the Creek war, his enfeebled health would have honorably excused him from a participation in the fatigues and hardships of the camp. But no minor considerations have ever been found to swerve General Jackson from the path of duty, nor avert his footsteps from the post of danger. The peculiar difficulties which he encountered during the Creek campaign, increased his debility, yet the fortunate results of his exertions afforded him the richest consolations. He was now desirous of forming a junction with the forces of Georgia, in order to effect a more speedy termination of the war, or compel the savages to sue for peace

With this object in view, he took up the line of march with his troops on the 7th of April for the Tallapoosa, intending on his march to attack a body of the enemy a Hoithlewallee, on the Hickory Grounds. He here ex pected the co-operation of the Georgia forces, and dispatched a message to the commander, stating his expectation of meeting and attacking the Muscagees on the 11th. His march was however retarded by a heavy fall of rain; and it was not until the 13th that he arrived at Hoithlewallee. But he here found no resistance from the enemy. The constant succession of disasters which had attended their hostile operations, had depressed their spirits and withered their hopes. Their prophets, who held an unlimited influence over their superstitious minds, and urged them on by all the force of Indian eloquence, and savage daring, to the perpetration of deeds of horrid butchery, had fallen in the deadly encounters, to which they led their deluded followers by their incantations and thirst for blood. It was not until the last ray of hope was extinguished, that they deigned to supplicate their conquerors for peace. They then begged of the American commander an extension of that mercy to them, which they had sworn never to impart to us.

Although the power of the Creeks was broken, it was notwithstanding deemed necessary to establish posts for the defence of the frontier settlements. With this view, General Jackson established a fort upon the Coosa, near its confluence with the Tallapoosa, which was named Fort Jackson. This completed the line of forts through Tennessee, Georgia, and the Alabama Territory. The Georgia forces were now joined with those under the command of General Jackson; and on the 20th April, Major General Pinckney arrived at Fort Jackson, and assumed the command of the whole forces in the Creek country.

A most kindly interchange of courtesies here took place between these war-worn veterans, in the service of their country. General Pinckney prepared a splendid entertainment, and invited General Jackson and his staff to partake with him. Cheering, indeed, were the mutual congratulations of these brave officers, as at the convivial board they contemplated the dangers they had passed, the battles they had fought, and the blessings of peace and security which they had purchased for their countrymen, by toil, privation, and hardships.

General Jackson reciprocated the civility of his commander-in-chief, by inviting him to dine with him at his marquee the next day. The simple diet that had sustained his soldiers in the prosecution of this arduous campaign, constituted the bill of fare. None but those who have passed through similar scenes of danger, can appreciate the deep emotions of joy and gratulation that these meritorious men experienced, on an occasion like this. Proud, indeed, was such a day to Andrew Jackson. The storm of savage vengeance, which burst like a volcano upon the devoted inmates of Fort Mimms, had called him into the field to avenge the slaughter of his countrymen; he had penetrated the unbroken forests and deep morasses of that region with an astonishing celerity, had attacked the enemy in their fastnesses; and at Tallushatches, Talladega, Emuckfaw, and Tohopeka, had taught the Creeks to respect the lives and property of our citizens.

General Pinckney assumed the command of General Jackson's corps only to disband them, after expressing his exalted sense of their bravery and patriotism. On the 21st, the next day after General Pinckney assumed the command, he ordered the Tennessee troops to be marched home, and discharged; retaining, however, sufficient to garrison the established posts. General Jackson immediately took measures to comply with the order.

The following is General Jackson's last communication, as an officer in the military forces of Tennessee:

Fort Williams, April 25th, at night.

Sir—General Pinckney joined me at Fort Jackson on the 20th. The enemy continuing to come in from every quarter, and it being now evident that the war was over, I received an order at three o'clock P. M., on the 21st, to march my troops back to Fort Williams, and after having dispersed any bodies of the enemy who may have assembled on the Cahawba, or within striking distance, and provided for the maintenance of posts between Tennessee and Fort Jackson, to discharge the remainder. Within two hours after receiving this order, I was on the line of march; and reached this place last evening, a distance of about sixty miles.

To Brigadier General Doherty, I shall assign the duty of keeping up the posts, which form the line of communication between Tennessee and the confluence of the Coosa and Tallapoosa, making the necessary arrangements to enable him to do so. About four hundred of the East Tennessee militia will be left at this place, two hundred and fifty at Fort Strother, and seventy-five at Fort Armstrong and New Deposit. Old Deposit will be maintained by Captain Hammond's company of rangers.

To-morrow I detail five hundred of the militia, under the command of Brigadier General Johnson, to the Cahawba, with instructions to unite with me at Fort Deposit, after having dispersed any bodies of the enemy they may find there assembled.

The commissioners who have been appointed to make a treaty with the Creeks, need have nothing to do but assign them their proper limits. Those of the friendly party, who have associated with me, will be easily satisfied; and those of the hostile party, they consider it a favor that their lives have been spared them, and will look upon any space

that may be allowed them for their future settlement, as a bounteous donation. I have taken the liberty to point out what I think ought to be the future line of separation, with which I will hereafter make you acquainted. If they should be established, none of the Creeks will be left on the west of the Coosa.

Accompanying this, I send you a report made by the adjutant general, of the killed and wounded at the battle of Tohopeka, which was omitted to be sent by the former express. I have the honor to be, &c.

ANDREW JACKSON.

After the lapse of a few days, General Jackson commenced his march for Tennessee. On his arrival at Fayetteville, his troops were discharged, and returned to their homes. The Tennesseeans duly appreciated the services of General Jackson, in his successful prosecution of the Creek war; and wherever he went, he was welcomed by the most enthusiastic demonstrations of joy and gratitude. In June, 1814, he was appointed brigadier general in the army of the United States.

About this period he was appointed a commissioner, to secure by negotiation what he had already acquired by arms.

To make a treaty, however, with Indians, can hardly be called *negotiation*, as it is considered among civilized powers. The law of nations, which requires "good faith" between the contracting parties, is a code not recognized by American savages. It is rather a contract of bargain and sale, with a penalty annexed for a breach of covenant. Colonel Hawkins, who was appointed Indian agent by General Washington, and who has been in the agency ever since, was associated with General Jackson in this mission.

By the American forces, a complete conquest had been made of the whole Creek country; and this conquest had

been occasioned by flagrant breaches of treaty, and outrageous violations of humanity by the Creeks. Had the American government felt the cupidity, or exercised the power, which the larger kingdoms of Europe manifest towards the smaller ones, the Creeks must either have fled from their country, or been reduced to vassalage, and their country itself would have been annexed to the United States. But its existence commenced upon the broad principles of national and individual justice, and in the progress of its government, it has never deviated from them.

The object of General Jackson and the other commissioners, was not so much to obtain new territory, as to secure the acknowledged territory of the United States from the future depredations of Indian hostility. On the 10th August, 1814, a treaty was executed, which is before the public. It cut off the savages from all communication with the perpetual disturbers of our tranquillity, and secured to the government such privileges in their country, as will hereafter place the frontiers out of danger from the Creeks.

The speeches of the Indian Chiefs, which were elicited upon the occasion, are worthy of preservation. Wetherford was a brave but infatuated chieftain. His speech is as follows:

"I am in your power—do with me as you please. I am a soldier. I have done the white people all the harm I could; I have fought them, and fought them bravely: If I had an army, I would yet fight and contend to the last; but I have none: my people are all gone. I can now do no more than weep over the misfortunes of my nation. Once I could animate my warriors to battle: but I cannot animate the dead. My warriors can no longer hear my voice: their bones are at Talladega, Tallushatches, Emuckfaw, and Tohopeka. I have not surrendered myself thoughtlessly. Whilst there were chances of suc-

cess, I never left my post, nor supplicated peace. But my people are gone, and I now ask it for my nation and for myself. On the miseries and misfortunes brought upon my country, I look back with the deepest sorrow, and wish to avert still greater calamities. If I had been left to contend with the Georgia army, I would have raised my corn on one bank of the river, and fought them on the other; but your people have destroyed my nation. You are a brave man—I rely upon your generosity. You will exact no terms of a conquered people, but such as they should accede to: whatever they may be, it would now be madness and folly to oppose. If they are opposed, you shall find me amongst the sternest enforcers of obedience. Those who would still hold out, can be influenced only by a mean spirit of revenge; and to this they must not, and shall not sacrifice the last remnant of their country. You have told us where we might go and be safe. This is a good talk, and my nation ought to listen to it. They *shall* listen to it."

He was followed thus by the Big Warrior:

"The President, our father, advises us to honesty and fairness, and promises that justice shall be done; I hope and trust it will be! I made this war, which has proved so fatal to my country, that the treaty entered in a long time ago, with father Washington, might not be broken. To his friendly arm I hold fast. I will never break that chain of friendship we made together, and which bound us to stand to the United States. He was a father to the Muscogee people; and not only to them, but to all the people beneath the sun. His talk I now hold in my hand.

There sits the agent* he sent among us. Never has he broken the treaty. He has lived with us a long time. He has seen our children born, who now have children.

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* Colonel Hawkins.

By his direction, cloth was wove, and clothes were made, and spread through our country; but the Red Sticks came and destroyed all—we have none now. Hard is our situation, and you ought to consider it. I state what all the nation knows; nothing will I keep secret.

There is the Little Warrior, whom Colonel Hawkins knows. While we were giving satisfaction for the murders that had been committed, he proved a mischief-maker; he went to the British on the lakes; he came back, and brought a package to the frontiers, which increased the murders here. This conduct has already made the war party to suffer greatly: but, although almost destroyed, they will not yet open their eyes, but are led away by the British at Pensacola. Not so with us; we were rational, and had our senses—we yet are so. In the war of the revolution, our father beyond the waters encouraged us to join him, and we did so. We had no sense then. The promises he made were never kept. We were young and foolish, and fought with him. The British can no more persuade us to do wrong: they have deceived us once, and can deceive us no more. You are two great people. If you go to war, we will have no concern in it; for we are not able to fight. We wish to be at peace with every nation. If they offer me arms, I will say to them, You put me in danger, to war against a people born in our own land. They shall never force us into danger. You shall never see that our chiefs are boys in council, who will be forced to do any thing. I talk thus, knowing that father Washington advised us never to interfere in wars. He told us that those in peace were the happiest people. He told us that if the enemy attacked him, he had warriors enough, and did not wish his red children to help him. If the British advise us to any thing, I will tell you—not hide it from you. If they say we must fight, I will tell them, No!"

The negotiation was concluded by a treaty of peace dictated to them by General Jackson, on severe but just terms. They agreed to yield a portion of their country as an indemnity for the expenses of the war; they conceded the privilege of opening roads through their country, together with the liberty of navigating their rivers; they also stipulated to hold no intercourse with any British or Spanish fort, or garrison, and to deliver up the property they had taken from the whites or friendly Indians. General Jackson, on the part of the United States, undertook to guaranty their territory, to restore all their prisoners, and in consideration of their destitute situation, to furnish them gratuitously with the necessaries of life, until they could provide for themselves. They also engaged to establish trading houses, and endeavor to bring back the nation to its former state.

The infatuation which led this brave nation of barbarians into a contest which resulted so much to their disadvantage, cannot be too much lamented; and yet the cruel policy of their system of warfare rendered the severity, with which they were treated by the Americans, indispensably necessary.

But the peace which General Jackson concluded with the Creeks, was not a permanent one; those who were disaffected, and refused to acknowledge the national capitulation, resorted to the neighborhood of Pensacola, and to the shores of the Escambia river, where they held themselves in readiness to act whenever a favorable opportunity should occur. The Spanish governor of Florida fostered and encouraged them in their hostility: although his government was ostensibly neutral, her predilections were, notwithstanding, strongly in favor of Great Britain, and she lost no opportunity of secretly aiding the latter in her belligerent operations against the United States.

While General Jackson was concluding a treaty of peace with those of the Creeks, who were disposed to capitulate, he dispatched some of his confidential officers to Pensacola, to observe the course pursued by Gonzalez Manrequez, the Spanish governor; and from the friendly Creeks, he was also daily receiving information which confirmed his suspicions of the reprehensible course which was being pursued by this minister of Spain.

In September, 1814, General Jackson had received no instructions from the war department, relative to the course to be pursued with the Spanish authorities in Florida. He sent a direct message to Governor Manrequez, requesting him to point out the course he was about to pursue. The correspondence that followed between him and General Jackson, has long been before the public, and is too voluminous to be here inserted. The governor was less equivocal, and more explicit than he had previously been. He began to feel a strong assurance that the British government, which had restored his master to the throne, would support him in all his measures against the United States. He knew that the legitimate sovereigns of Europe were safely enthroned, and that pride as well as interest, would induce them to secure to Ferdinand VII. his South American colonies, and to endeavor to regain for George III. the colonies he had lost in the North. His language was confident, not to say imperious. He repelled the charges against himself, by criminating the American government. The correspondence was closed by the following letter to him, from General Jackson:

Were I clothed, says the general, with diplomatic powers, for the purpose of discussing the topics embraced in the wide range of injuries of which you complain, and which have long since been adjusted, I could easily demonstrate that the United States have been always faithful to their treaties; steadfast in their friendships; nor

have ever claimed any thing that was not warranted by justice. They have endured many insults from the governors and other officers of Spain, which, if sanctioned by their sovereign, amounted to acts of war, without any previous declaration on the subject. They have excited the savages to war, and afforded them the means of waging it. The property of our citizens has been captured at sea, and if compensation has not been refused, it has at least been withheld. But as no such powers have been delegated to me, I shall not assume them, but leave them to the representatives of our respective governments.

I have the honor of being intrusted with the command of this district. Charged with its protection, and the safety of its citizens, I feel my ability to discharge the task, and trust your excellency will always find me ready and willing to go forward in the performance of that duty, whenever circumstances shall render it necessary. I agree with you, perfectly, that candor and polite language should, at all times, characterize the communications between the officers of friendly sovereignties; and I assert, without the fear of contradiction, that my former letters were couched in terms the most respectful and unexceptionable. I only *requested*, and did not *demand*, as you asserted, the ringleaders of the Creek confederacy, who had taken refuge in your town, and who had violated all laws, moral, civil, and divine. This I had a right to do, from the treaty which I sent you, and which I now again inclose, with a request that you will change your translator; believing, as I do, that your former one was wrong, and has deceived you.

What kind of an answer you returned, a reference to your letter will explain. The whole of it breathed nothing but hostility, grounded upon assumed facts, and false charges, and entirely evading the inquiries that had been made.

I can but express my astonishment at your protest against the cession on the Alabama, lying within the acknowledged jurisdiction of the United States, and which has been ratified, in due form, by the principal chiefs and warriors of the nation. But my astonishment subsides, when, on comparing it, I find it upon a par with the rest of your letter and conduct; taken together, they afford a sufficient justification for any consequences that may ensue. My government will protect every inch of her territory, her citizens, and her property, from insult and depredation, regardless of the political revolutions of Europe: and although she has been at all times sedulous to preserve a good understanding with all the world, yet she has sacred rights, that cannot be trampled upon with impunity. Spain had better look to her own intestine commotions, before she walks forth in that majesty of strength and power, which you threaten to draw down upon the United States. Your excellency has been candid enough to admit your having supplied the Indians with arms. In addition to this, I have learned that a British flag has been seen flying on one of your forts. All this is done whilst you are pretending to be neutral.

You cannot be surprised, then, but on the contrary will provide a fort in your town, for my soldiers and Indians, should I take it in my head to pay you a visit.

In future, I beg you to withhold your insulting charges against my government, for one more inclined to listen to slander than I am; nor consider me any more as a diplomatic character, unless so proclaimed to you from the mouths of my cannon.

No specific object was effected by this correspondence, other than a full developement of the inimical views entertained by the Spanish governor towards the United States, and General Jackson laid his plans of operation accordingly.

General Jackson was now commander in chief of the seventh military district, including the most important part of the southern section of the union. It was now altogether the most endangered part of it. The splendid victories at Chippewa, Bridgewater, Fort Erie, and Plattsburgh, had allayed all apprehension from British armies in the north. The defence of New London and Stonington, New York and Baltimore, had robbed British "naval demonstrations" of their terrors, upon the eastern seaboard. The British admirals and British generals were concentrating their forces, with a determination to wipe off the disgrace, which had with justice been attached to them —not so much from the defeats they had suffered, as from the vandalism they had displayed in the Chesapeake Bay, upon the Niagara frontier, and at the city of Washington. The utmost confidence was expressed by the British in America, of the success of this great and united effort of the armies and navies of Britain; and a British commissioner at Ghent, who at this time was negotiating a peace with American commissioners, tauntingly remarked, that before they had time to conclude a peace, New Orleans and the states upon the Mississippi would be in possession of Sir Edward Packenham!

It is no more than candid to admit, that very serious apprehensions were entertained by Americans themselves, in regard to the safety of the southern section of the union, or that part of it situated upon the Gulf of Mexico, and near the mouth of the Mississippi. A very great proportion of the troops of the United States and of the munitions of war, were in the northern, eastern, and middle states, at a great distance from New Orleans. The whole seaboard, from Castine to that place, was commanded by a superior naval force of the enemy, who could by that command, in a very short time, approach any assailable point upon the ocean. Sir George Prevost's army of 14,000,

were, in Lower Canada, burning to revenge the defeat they met with at Plattsburgh. Large reinforcements were known to have arrived from England in the West Indies, under the command of some of the most renowned generals in Wellington's army, and every indication evinced the determination of the whole land and naval forces of the enemy, upon the American station, to make a descent near the mouth of the Mississippi.

Many British officers had already arrived at Pensacola, about seventy miles east of Mobile bay, on which Fort Bowyer is situated. Here they were received with great cordiality by the governor, and suffered to embody and train savages. General Jackson, about the first of September, addressed the war department in the most pressing terms. In one of his letters, he says: How long will the United States pocket the reproach and open insults of Spain? it is alone by a manly and dignified course, that we can secure respect from other nations, and peace to our own. Temporizing policy is not only a disgrace, but a curse to any nation. It is a fact, that a British captain of marines is, and has been, for some time, engaged in drilling and organizing the fugitive Creeks, under the eye of the governor; endeavoring, by his influence and presents, to draw to his standard, as well the peaceable as the hostile Indians. If permission had been given to me to march against this place, (Pensacola,) twenty days ago, I would ere this have planted there the AMERICAN EAGLE; now we must trust alone to our valor, and the justice of our cause. But my present resources are so limited—a sickly climate, as well as an enemy to contend with, and without the means of transportation, to change the position of my army, that, resting on the bravery of my little phalanx, I can only *hope* for success.

The secretary of war, Mr. Monroe, incessantly exerted himself to second the measures of General Jackson.

Having acquired Lousiana and the exclusive command of the Mississippi by negotiation, he was now called upon to defend it as the head of the war department. As there was, within the seventh military district, but a very small number of regular troops, the secretary made a requisition upon the executives of the states of Louisiana, Mississippi, and Tennessee, to have their full quota of militia in readiness for immediate service, at the command of General Jackson. Volunteers were again invited by General Jackson to resort to his standard, under which they had always conquered. The unbounded popularity of General Jackson induced the militia not only with promptness, but with animation, to repair to the rendezvous; and the Tennessee volunteers, under their gallant General Coffee, were again in motion. They had almost invariably formed the van of General Jackson's army; and of their immediate commander, it may be said, "he dared to lead where any dared to follow."

General Jackson, before the middle of September, had established his head-quarters at Mobile, waiting the arrival of the militia and volunteers, some of whom had to travel more than four hundred and fifty miles. Upon the 14th he received a message from Maj. William Lawrence, commander of Fort Bowyer at the mouth of Mobile bay, requesting immediate assistance in the defence of that important post, as the enemy had landed in the vicinity of that place, with a force probably ten times the amount of his own. Major Lawrence had but one hundred and fifty-eight men fit for duty. He took immediate measures to succor this exposed garrison; but before reinforcements could reach that place, it was simultaneously attacked upon the 15th, by the British and Indian forces, by land, and by a large naval force in the bay. The defence of this place is thus described by General Jackson, and Major Lawrence:

GEN. JACKSON, TO HON. JAMES MONROE.

Head Quarters 7th, Military District,
Mobile, Sept. 17th, 1824.

Sir—With lively emotions of satisfaction, I communicate that success has crowned the gallant efforts of our brave soldiers, in resisting and repulsing a combined British naval and land force; which on the 15th instant, attacked Fort Bowyer, on the Point of Mobile.

I enclose a copy of the official report of Maj. William Lawrence of the 2d infantry, who commanded. In addition to the particulars communicated in his letter, I have learned that the ship which was destroyed, was the Hermes, of from twenty-four to twenty-eight guns, captain, the Hon. Wm. H. Percy, senior officer in the Gulf of Mexico; and the brig so considerably damaged, is the Sophie, eighteen guns, Capt. Wm. Lockyer; the other ship was the Carron, of from twenty-four to twenty-eight guns, Captain Spencer, son of Earl Spencer; the other brig's name unknown. On board of the Carron, eighty-five men were killed and wounded; among whom was Colonel Nicholl, of the Royal Marines, who lost an eye by a splinter. The land force consisted of one hundred and ten marines, and two hundred Creek Indians, under the command of Captain Woodbine, of marines, and about twenty artillerists, with one four and a half inch howitzer, from which they discharged shells and nine pound shot. They re-embarked the piece, and retreated by land towards Pensacola, whence they came.

By the morning report of the sixteenth, there were present in the fort, fit for duty, officers and men, one hundred and fifty-eight. The result of this engagement has stamped a character on the war in this quarter, highly favorable to the American arms; it is an event from which may be drawn the most favorable augury.

An achievement so glorious in itself, and so important

in its consequences, should be appreciated by the government; and those concerned are entitled to, and will, doubtless, receive the most gratifying evidence of the approbation of their countrymen.

In the words of Major Lawrence, "where all behaved well, it is unnecessary to discriminate." But all being meritorious, I beg leave to annex the names of the officers, who were engaged and present; and hope they will, individually, be deemed worthy of distinction.

Maj. Wm. Lawrence, 2d infantry, commanding; Captain Walsh of the artillery; Capts. Chamberlain, Brownlow, and Bradley, of the 2d infantry; Captain Sands, deputy commissary of ordnance; Lieuts. Villard, Sturges, Conway, H. Sanders, T. R. Sanders, Brooks, Davis, and C. Sanders, all of the 2d infantry.

I am confident that your own feelings will lead you to participate in my wishes on the subject. Permit me to suggest the propriety and justice of allowing to this gallant band, the value of the vessel destroyed by them.

I remain, &c. ANDREW JACKSON.

The Hon. Secretary of War.

The following is the official report of Maj. William Lawrence, alluded to by General Jackson, in his letter to the secretary of war.

MAJ. LAWRENCE TO GEN. JACKSON.

Fort Bowyer, Sept. 15th, 1814,
12 *o'clock at night.*

Sir—After writing the enclosed, I was prevented by the approach of the enemy, from sending it by an express. At meridian they were under full sail, with an easy and favorable breeze, standing directly for the fort, and at 1 P. M. we opened our battery, which was returned from two ships, and two brigs, as they approached. The action became general at about twenty minutes past four, and was continued without intermission on either side until

seven, when one ship and two brigs were compelled to retire. The leading ship, supposed to be the commodore, mounting twenty-two thirty-two pound carronades, having anchored nearest our battery, was so much disabled, her cable being cut by our shot, that she drifted on shore, within six hundred yards of the battery, and the other vessels having got out of our reach, we kept such a tremendous fire upon her, that she was set on fire, and abandoned by the few of the crew who survived. At ten P. M. we had the pleasure of witnessing the explosion of her magazine. The loss of lives on board must have been immense, as we are certain no boats left her except three, which had previously gone to her assistance, and one of these I believe was sunk; in fact, one of her boats was burnt along side of her.

The brig that followed her, I am certain was much damaged both in hull and rigging. The other two did not approach near enough to be much injured, but I am confident they did not escape, as a well directed fire was kept on them during the whole time.

During the action, a battery of a twelve pounder and a howitzer, was opened on our rear, but without doing any execution, and was silenced by a few shot. Our loss is four privates killed, and five privates wounded.

Towards the close of the action, the flag-staff was shot away; but the flag was immediately hoisted on a sponge staff above the parapet. While the flag was down, the enemy kept up their most incessant and tremendous fire; the men were withdrawn from the curtains and northeast bastion, as the enemy's own shot completely protected our rear, except the position they had chosen for their battery

Where all behaved well, it is unnecessary to discriminate. Suffice it to say, every officer and man did his *duty;* the whole behaved with that coolness and intrepidity which is characteristic of the true American, and which could

scarcely have been expected from men, most of whom had never seen an enemy, and were now, for the first time, exposed for nearly three hours, to a force of nearly or quite four guns to one.

We fired during the action between four and five hundred guns, most of them double shotted, and after the first half hour but few missed effect.

Upon an examination of our battery the following morning, we found upwards of three hundred shot and shot-holes, in the inside of the north and east curtains, and north-east bastions, of all calibers, from musket ball to thirty-two pound shot. In the north-east bastion there were three guns dismounted; one of which, a four pounder, was broken off near the trunnions by a thirty-two pound shot, and another much battered. I regret to say that both the twenty-four pounders are cracked in such a manner as to render them unfit for service.

I am informed by two deserters from the land force, who have just arrived here, and whom I send for your disposal, that a reinforcement is expected, when they will doubtless endeavour to wipe off the stain of yesterday.

If you will send the Amelia down, we may probably save most or all of the ship's guns, as her wreck is lying in six or seven feet water, and some of them are just covered. They will not, however, answer for the fort, as they are too short.

By the deserters, we learn that the ship we have destroyed, was the Hermes, but her commander's name they did not recollect. It was the commodore, and he doubtless fell on his quarter deck, as we had a raking fire upon it, at about two hundred yards distance, for some time.

To Captain Sands, who will have the honor of handing you this dispatch, I refer you for a more particular account of the movements of the enemy than may be contained in my letters; his services, both before and during the action,

were of great importance, and I consider fully justify me in having detained him. Captain Walsh and several men were much burned in the accidental explosion of two or three cartridges. They are not included in the list of the wounded heretofore given.

The enemy's fleet, this morning at day break, were at anchor in the channel, about four miles from the fort; shortly after, it got under way and stood to sea; after passing the bar, they hove to, and boats have been constantly passing between the disabled brig and the others. I presume the former is so much injured as to render it necessary to lighten her.

At fifteen minutes after 1, P. M., the whole fleet made sail, and stood to sea.

I have the honor to be, &c.

WILLIAM LAWRENCE.

Maj. Gen. Andrew Jackson, &c.

When it is considered that this fort was in a very incomplete state, having been almost totally abandoned until General Jackson had discovered its importance to the surrounding country in time of war; that it was only in a progressive state of improvement; that it was garrisoned by only a hundred and fifty new recruits, who had never before faced a veteran enemy; and that it was assailable on every side by land and naval forces, probably amounting to fifteen hundred men, and a hundred pieces of cannon, its defence may be ranked among the most gallant achievements in the last, or any previous war in America. It contributed much to invigorate our soldiers, and prepare them for the brilliant achievements which were soon to follow at New Orleans, where they and their gallant commander covered themselves with so much glory, and elevated the standard of American prowess to a proud distinction among the nations of the earth.

CHAPTER VI.

Importance of Fort Bowyer—Inadequacy of its defence—Arrival of General Coffee and Tennessee forces—General Jackson marches to Pensacola—The Spanish Governor's preparations for his reception—General Jackson sends Major Pierre with a flag—He is fired at from the forts—General Jackson attacks and subdues the place—Colonel Nicoll—His proclamation—Censure of General Jackson for his operations in the Spanish territory—The legality and justice of his measures defended.

General Jackson had been appointed major general in the army of the United States previous to this period, (October, 1814,) and commander of the 7th military district. He had been major general by brevet some time antecedent to this appointment, and commander of the same district.

The importance of Fort Bowyer as a military post, became more and more apparent to him, as he discovered the great preparation of the enemy, to assail the whole American sea-board, from Pensacola to New Orleans. This fort was but three days' march for land forces from Pensacola, where the British had already hoisted their flag; and from thence to New Orleans, but ten days' march. By the possession of this fort at the mouth of the capacious bay of Mobile, the bay itself, and the adjoining country, the British land and naval forces would derive incalculable advantages. To secure it, therefore, was, in

the view of the commanding general, of the utmost importance. But however important the measure, the means to accomplish it were altogether beyond his reach. Without a naval force to cover the fort, or to assist in its defence; with but a small regular force under his command at Mobile, and wholly uncertain when the forces from the distant state of Tennessee, and other places, would arrive, it would seem to have been the dictate of prudence, to have evacuated the fort and the country at once. The gallant defence of this place, upon the 15th of September, although a severe mortification to the enemy, would induce them to send a force against it, absolutely irresistible. So insufficient were his means of defence, from the middle of September, to about the 20th of October, and so overwhelming was the superiority of the enemy's force, and constantly augmenting, that had he, at this time, retired to New Orleans with his little army, a unanimous sentence of approbation must have been pronounced by his countrymen. But his language was, "resting on the bravery of my little phalanx, I hope for success." Notwithstanding the discouraging aspect of affairs, it was at this period that he resolved, on his own responsibility, to march for Pensacola; and with his army "to carry our arms where we find our enemies." Having been educated as a jurist, he was versed in the principles of the law of nations. He had a knowledge of the obligations which one government owes to another—he was aware of the acts which this code would justify in a *belligerent* power, and the duty it enjoined upon a power that was professedly a *neutral* one. The Spanish government at this time, in regard to the United States, was of the latter character by *profession*, and of the former one by *practice*. He determined to place himself within striking distance of the enemy, whether he found them devastating the territory of the United States, or pre-

paring to do it in the adjoining territory of another power.

About the middle of October, General Jackson was joined by General Coffee, at the head of two thousand Tennessee volunteers and Mississippi dragoons. They were soon organized, and, General Jackson commanding in person, took up the line of march for Pensacola. On the 6th of November, he approached the place with his army.

The Spanish governor was aware of his approach, and had fortified himself, in conjunction with the British forces, for resistance. The forts commanding the town were manned, batteries were laid in the principal streets, and the British vessels were moored in the bay, so as to command the approaches to the town. General Jackson halted with his army before the town, and dispatched Major Pierre with a flag, to communicate the purpose of his visit. The garrison fired upon him, as he approached, in violation of the usages of civilized warfare, and the rights appertaining to belligerent armies. General Jackson sent the flag as a matter of courtesy, but the ungracious reception it met with, left him no other alternative than a "proclamation of his diplomatic character from the mouths of his cannon." He attacked them in their fortifications, and with what success our readers will learn from his hasty report of it, as follows:

GEN. JACKSON TO GOV. BLOUNT.

Head Quarters, 7th Military District,
Tensaw, November, 1814.

Sir—On last evening I returned from Pensacola to this place. I reached that post on the evening of the 6th. On my approach, I sent Major Pierre with a flag to communicate the object of my visit to the governor of Pensacola. He approached Fort St. George, with his flag displayed, and was fired on by the cannon from the fort; he returned

and made report thereof to me. I immediately went with the adjutant general and the major, with a small escort, and viewed the fort, and found it defended by both British and Spanish troops. I immediately determined to storm the town; retired and encamped my troops for the night, and made the necessary arrangements, to carry my determination into effect the next day.

On the morning of the 7th, I marched with the effective regulars of the 3d, 39th, and 4th infantry; part of General Coffee's brigade; the Mississippi dragoons, and part of the West Tennessee regiment, commanded by Lieutenant Colonel Hammonds, (Colonel Lowry having deserted and gone home,) and part of the Choctaws, led by Major Blue of the 39th, and Major Kennedy, of Mississippi Territory. Being encamped on the west of the town, I calculated they would expect the assault from that quarter, and be prepared to rake me from the fort, and the British armed vessels, seven in number, that lay in the bay. To cherish this idea, I sent out part of the mounted men to show themselves on the west, whilst I passed in rear of the fort undiscovered to the east of the town. When I appeared within a mile, I was in full view. My pride was never more heightened than in viewing the uniform firmness of my troops, and with what undaunted courage they advanced with a strong fort ready to assail them on the right; seven British armed vessels on the left; strong block-houses and batteries of cannon in their front: but they still advanced with unshaken firmness, entered the town, when a battery of two cannon was opened upon the centre column, composed of regulars, with ball and grape, and a shower of musketry from the houses and gardens The battery was immediately stormed by Captain Levali and company, and carried, and the musketry was soon silenced by the steady and well directed fire of the regulars

The governor met Colonels Williamson and Smith, who led the dismounted volunteers, with a flag, begged for mercy, and surrendered the town and fort, unconditionally. Mercy was granted, and protection given to the citizens and their property, and still Spanish treachery kept us out of possession of the fort, until nearly twelve o'clock at night.

Never was more cool determined bravery displayed by any troops; and the Choctaws advanced to the charge with equal bravery.

On the morning of the 8th, I prepared to march and storm the Barancas, but before I could move, tremendous explosions told me that the Barancas, with all its appendages, was blown up. I dispatched a detachment of two hundred men to explore it, who returned in the night with the information that it was blown up; all the combustible parts burnt, and the cannon spiked and dismounted, except two. This being the case, I determined to withdraw my troops; but before I did, I had the pleasure of seeing the British depart. Colonel Nicoll abandoned the fort on the night of the 6th, and betook himself to his shipping, with his friend Captain Woodbine, and their red friends.

The steady firmness of my troops has drawn a just respect from our enemies. It has convinced the Red Sticks, that they have no strong hold or protection, only in the friendship of the United States. The good order and conduct of my troops whilst in Pensacola, has convinced the Spaniards of our friendship and our prowess, and has drawn from the citizens an expression that *our Choctaws* are more civilized than the *British*.

In great haste, I am, &c.

ANDREW JACKSON.

None of our soldiers were killed in this battle; fifteen or twenty only were wounded, and among them was the gal-

lant Captain Levall, who fell at the head of his company in storming a battery. Governor Manrequez forgot the importance he had assumed for himself—fell into a panic, and in the midst of the engagement he appeared with a flag, and begged the American general to extend mercy to him, and surrendered the place without a condition.

Captain Woodbine, and Colonel Nicoll, the author of a famous proclamation which was promulgated soon after his arrival at Pensacola, were amongst the first who fled in consternation to their shipping, before a gun was fired. We here transcribe the proclamation with a full conviction that it is our bounden duty to contribute all the means in our power to snatch so invaluable a document from inglorious oblivion.

COL. NICOLL TO LOUISIANIANS, KENTUCKIANS, ETC.

"Natives of Louisiana! On you the first call is made, to assist in liberating from a faithless, imbecile government, your paternal soil; Spaniards, Frenchmen, Italians, and British, whether settled, or residing for a time in Louisiana, on you, also, I call, to aid me in this just cause. The *American usurpation* in this country must be abolished, and the *lawful owners* of the soil put in possession. I am at the head of a large body of Indians, well armed, disciplined, and commanded by British officers—a good train of artillery, with every requisite, seconded by the powerful aid of a numerous British and Spanish squadron of ships and vessels of war. Be not alarmed, inhabitants of the country, at our approach; the *same good faith* and disinterestedness, which has distinguished the conduct of Britons in *Europe*, accompanies them *here;* you will have no fear of *litigious taxes* imposed upon you, for the purpose of carrying on an unnatural and unjust war; your property, your laws, the peace and tranquillity of your country, will be guarantied to you by men, who will suffer no infringement of theirs.

Rest assured, that these brave red men only burn with an ardent desire of satisfaction, for the wrongs they have suffered from the *Americans;* to join you, in liberating these southern provinces from *their yoke*, and drive them into those limits formerly prescribed by my sovereign. The Indians have pledged themselves in the most solemn manner, not to injure, in the slightest degree, the persons or properties of any but enemies. A flag over any door, whether Spanish, French, or British, will be a certain protection; nor dare any Indian put his foot on the hreshold thereof, under penalty of death from his own countrymen; not even an enemy will an Indian put to death, except resisting in arms; and as for injuring helpless women and children, the red men, by their good conduct and treatment to them, will (if it be possible) make the Americans blush for their more inhuman conduct ately on the Escambia; and within a neutral territory.

"Inhabitants of Kentucky! you have too long borne with grievous impositions—The whole brunt of the war has fallen on your brave sons: be imposed on no longer, but either range yourselves under the *standard of your forefathers*, or observe a *strict neutrality*.

"If you comply with either of these offers, whatever provisions you send down, will be *paid for in dollars, and the safety of the persons bringing it, as well as the free navigation of the Mississippi, guarantied to you.* Men of Kentucky! let me call to your view (and I trust to your abhorrence) the conduct of those *factions*, which hurried you into this *civil, unjust, and unnatural war*, at a time when Great Britain was straining every nerve, in defence of her own, and the *liberties* of the world—when the bravest of her sons were fighting and bleeding in so sacred a cause—when she was spending millions of her treasure, in endeavoring to pull down one of the most formidable and dangerous tyrants, that ever disgraced the

form of man—when groaning Europe was almost in her last gasp—when *Britons alone* showed an *undaunted front*—basely did those assassins endeavor to stab her from the rear; she has turned on them, renovated from the bloody, but successful struggle. *Europe is happy and free*, and she now hastens, justly, to revenge the unprovoked insult. Show them that you are not collectively unjust; leave that *contemptible few* to shift for themselves; let those slaves of the tyrant send an embassy to Elba, and implore his aid; but let every honest, upright American, spurn them with united contempt After the experience of twenty-one years, can you longer support those brawlers for liberty, who call it freedom, when themselves are free! Be no longer their dupes—accept of my offers—every thing I have promised in this paper, I guaranty to you, *on the sacred honor of a British officer.*"

The valiant colonel, after having perpetrated this immortal state paper, sat himself down at Pensacola, and indulged in the gratifying reflection that the promulgation of his speech would remove the most inveterate obstacles in the way of a conquest of the United States, and whiled away his leisure hours in practising lessons of etiquette, that he might listen to the supplications of the vanquished with becoming dignity. But our southern and western brethren visited the colonel in a manner less humble and conciliatory than he had anticipated; and it must be acknowledged that he evinced a very commendable degree of prudence in consulting his safety by a timely retreat.

The operations of General Jackson in Florida, were executed with his usual energy and promptitude. He left Mobile on the 3d November, arrived at Pensacola on the 6th; reduced it on the 7th; accepted the surrender of the Barancas on the 8th; and on the 9th, he commenced his march for Mobile, to defend Fort Bowyer.

The legality and justice of General Jackson's operations in the Spanish territory have been questioned, and, as usual, he has received a liberal share of censure therefor. How deserving he is of reproach for his conduct during this expedition, will, it is believed, be readily perceived, on reverting to the provocations which induced him to carry his arms into the Spanish dominions. The bloodhounds of the Creek nation, who had spread devastation and death among the defenceless borderers of our southwestern frontier, till the martial spirit of our soldiers being roused in self-defence, vanquished them in various desperate conflicts, had retreated into the Spanish territory, and were there received with the most officious kindness by the Spanish governor. British troops were not only permitted, but encouraged to land, to fortify themselves, and to distribute arms among these ferocious sons of the forest, and instruct them in military tactics, that they might the more effectually wreak upon our countrymen their murderous vengeance.

General Jackson remonstrated with Governor Manrequez upon the reprehensible course he pursued, but with no beneficial effect; he wrote to the secretary of war for instructions, but, by some unaccountable delay, the answer, which bore date 18th July, 1814, was not received by General Jackson till 17th January, 1815. When received, the conclusion of its instructions were found to hold the following language: "*If all the circumstances stated by you, unite, the conclusion is irresistible. It becomes our duty to carry our arms where we find our enemies.*" The momentous nature of the crisis induced General Jackson to hazard every thing dear to him, and to proceed upon his own responsibility to punish the aggressions of Spain. But in acting as he supposed upon his own responsibility, he did nothing more, as we have seen by reference to the instructions from the war department,

than to follow the very letter and spirit of those instructions; and although he had never received them when he made his descent upon the combined forces of British, Spanish, and Indian troops at Pensacola, yet they existed; and who can be found so captious, as to censure him for anticipating instructions, when those very instructions were given, but prevented from reaching his hands by unavoidable delay.

This campaign of General Jackson has been termed "a wanton attack upon a neutral power, amounting to a declaration of war with Spain, upon the authority of one unauthorized individual." Neutral power, indeed; receiving into her cities and upon her coasts our deadliest foes, permitting them, nay aiding them, to arm and fortify themselves there for hostile operations upon us, and to prepare themselves for a co-operation with Sir Edward Pakenham in his grand plan of attack upon New Orleans, which, if taken, would expose our western frontier to the ravages of the enemy. So far were the important services of General Jackson in this campaign deserving from rebuke, that they have received, and will continue to receive, the approbation of every patriotic American, long after his censurers shall have been forgotten.

CHAPTER VII.

The safety of New Orleans menaced—General Jackson commences his march for that place—Defenceless situation of Louisiana—Disaffection among the inhabitants—General Jackson arrives at New Orleans—Despondency of the people—His exertions in their behalf—He addresses them, and makes preparations for defence—Defection of the French population—Causes that led to the proclamation of martial law—General Jackson proclaims it—Defence of the measure—Arrival of reinforcements—Battle of the twenty-third of December—Consequences resulting from it.

The attention of General Jackson was now directed to New Orleans, the safety of which was seriously menaced. Notwithstanding the negotiations pending between Great Britain and the United States at Ghent, serious preparations were making for the invasion of Louisiana; and it became evident, that, as an important preliminary step, the enemy would concentrate his whole force for an attack upon New Orleans, from the possession of which he would derive incalculable advantages. General Jackson, for a considerable length of time, had been the only general officer attached to the United States army in this district. General Winchester, of the United States army, arrived at length, and General Jackson assigned the command of the eastern section of his district, and immediately commenced his march for New Orleans.

This section of the Union was, at this period, far from being in a good state of defence. Louisiana had then but just been admitted into the Union, of which it formed the remotest part. Its population was thin, and a great part of it consisting of slaves, added nothing to its means of defence; but required, on the contrary, a constant force to prevent its becoming a domestic enemy of the most dangerous kind. Its remote situation, pressing dangers nearer the seat of government, and other causes, had caused it to be left in a state of utter destitution, and dependent for defence upon its own resources. A country accessible by numerous inlets from the sea, was left undefended by any fortifications, except two; the principal much dilapidated, ill provided, and very inadequately garrisoned, the other incapable of the slightest defence. A few gun-boats were the only maritime defence for those approaches; a flat-bottomed frigate, which would have proved effectual in the shallow waters that surrounded the coast, by some extraordinary policy, or culpable neglect, was left unfinished. The military force was two incomplete regiments, a militia badly armed, and a battalion of city volunteers. Two or three field pieces, and a howitzer, formed their park of artillery, and the arsenal contained no arms; even the common and necessary article of flints was totally wanting. The magazines alone were well provided. This was the state of the defence of Louisiana, immediately previous to the month of December. The inhabitants had been long cut off from any intercourse with the sea, by a blockading squadron, which it was known preceded the arrival of a formidable fleet, bearing an invading army of the most imposing force, from their number, their discipline, the excellence of their appointments, and the reputation of the generals who commanded them.

To add to the difficulties of the Louisianians, there

existed division among them, not disaffection, but that confusion which naturally arises in times of danger, when there is no head, or one in which there is no confidence. Committees of defence were named by the citizens, exhortations were made to resist the enemy, and show that the insulting confidence he had expressed in the want of attachment of a large portion of the state to the Union was false. Funds were endeavored to be raised; every thing was done to show that the inhabitants were disposed to defend themselves and their country; but every effort demonstrated that, without further aid, the struggle would be ineffectual. That aid at length arrived, in the person of General Jackson.

On his arrival, he found the population prostrate with fear and despondency. He comprehended at a glance the difficulties that would obstruct a successful defence of the country, and while thousands of hearts were despairing, he resolved, with his wonted decision and energy, to surmount every obstacle, and defend or perish with his countrymen. He anticipated assistance from Governors Blount of Tennessee, and Shelby of Kentucky, and an augmentation of his force by the gallant soldiers of Mississippi; yet that he should receive the aid of these important auxiliaries, was uncertain. From Governor Claiborne and Mr. Edward Livingston, he received a hearty cooperation in his endeavors to organize the Louisiana militia. General Coffee and General Carrol, the brave men who had fought by his side in many a desperate battle-field, were with him, and he knew they were ready to follow him to victory or to death.

From the first moment of his arrival, the confidence of the inhabitants in him begat confidence in themselves. He visited the forts; he organized the scanty force which was placed under his command; he addressed to them the inspiring language which promised future victory; he told

the natives of the United States, that the enemies they were about to contend with had been the oppressors of their infant political existence; that the men whom they were now to oppose, were the descendants of those whom their fathers fought and conquered. He addressed the descendants of Frenchmen, the natives of France; he told them that the English, who were now the invaders of the land of their adoption, had ever been the hereditary, the eternal enemies of their ancient country. He called upon Spaniards to remember the conduct of their allies at St. Sebastian and Pensacola, and rejoice that they had found an opportunity of avenging the brutal injuries inflicted by men who dishonored the human race.

To the Louisianians, he expressed his joy in witnessing the spirit which animated them, not only for their honor, but their safety; and he assured them, that for whatever had been their conduct or wishes, his duty would have led, and still would lead him, to confound the citizen unmindful of his rights, with the enemy he ceased to oppose. But commanding men who knew their rights, and were determined to defend them, he saluted them as brethren in arms; and that he had now a new motive to exert all his faculties, which he promised them should be exerted to the utmost in their defence. He exhorted them to continue with the energy they had begun, and assured them not only of safety, but victory over an insolent foe, who had insulted them by an affected doubt of their attachment to the constitution of their country. Their enemy, he said, was near; his sails already covered the lakes; but the brave were ever united, and if the enemy found them contending among themselves, it would be for the prize of valor, and fame, its noblest reward.

He addressed, it is true, their passions and prejudices, but above all, their love of country and of glory. He contrasted the fearful consequences of defeat, and the shame-

ful results of submission, to themselves, to their wives, their children, and their country, with the honors and safety of the victory he confidently promised. He spoke to the inhabitants of different origin, the language best calculated to excite national enthusiasm, and to direct it to the common defence.

This was the great, the important operation. In organizing this moral and physical force, the foundation was laid for the great work which followed; and it is believed that it would be difficult to find better materials for these causes to operate upon, than were furnished in a majority of the Louisianians. National prejudices were converted into the noblest emulation. The sedentary and luxurious habits of a city life were, with alacrity, exchanged for the toils of service in a most inclement season; independence of action, for strict discipline; a life of ease and safety, for one of toil and exposure. A post of honor and of danger was promised to the city battalion, and a corps of city riflemen, the ranks of which were not then half filled; and instantly the names of the most respectable citizens were inscribed on the muster-rolls. Nor was this spirit confined to a particular corps; the body of the militia were equally zealous, and never calculating the difference of numbers or discipline, all were found at their posts when the hour of conflict arrived. But although they were ready, yet their number was comparatively small. Some were unarmed, others were necessarily posted with a view to interior defence; and the nature of the country called for a dispersion of this little force to guard its numerous inlets.

The French population were, however, disaffected, and under the auspices of the French consul, and out of gratitude to the English for the restoration of the Bourbons, they discovered an "awful squinting at monarchy," and wholly refused to co-operate with the Louisianians

in defending their common country. The disaffection of the few is easily checked, when the public functionaries discharge the duties devolving upon them; but so far were the legislative and judiciary powers of the state from calling in the power of the law, to check the growing discontent, that in many instances they encouraged it by conniving at it. Governor Claiborne did every thing which a vigilant and patriotic executive could do, but a majority of the legislature, nerveless, timorous, and desponding, hung upon him like an incubus, and paralyzed all his exertions. He had frequently written to General Jackson; in one letter, he says, "On a late occasion I had the mortification to acknowledge my inability to meet a requisition from General Flournoy; the corps of this city having for the most part resisted my orders, being encouraged in their disobedience by the legislature of the state, then in session; one branch of which, the senate, having declared the requisition illegal and oppressive, and the house of representatives having rejected a proposition to approve the measure. How far I shall be supported in my late orders, remains yet to be proved. I have reason to calculate upon the patriotism of the interior and western counties. I know also that there are many faithful citizens in New Orleans; but there are others, in whose attachment to the United States I ought not to confide. Upon the whole, sir, I cannot disguise the fact, that if Louisiana should be attacked, we must principally depend for security upon the prompt movements of the regular force under your command, and the militia of the western states and territories. At this moment we are in a very unprepared and defenceless condition; several important points of defence remain unoccupied, and in case of a sudden attack, this capital would, I fear, fall an easy sacrifice."

In another letter, he remarks, "Inclosed you have copies of my late general orders. They may, and I trust

will be obeyed; but to this moment, my fellow-citizens have not manifested all that union and zeal the crisis demands, and their own safety requires. There is in this city a much greater spirit of disaffection, than I had anticipated; and among the faithful Louisianians, there is a despondency which palsies all my preparations; they see no strong regular force, around which they could rally with confidence, and they seem to think themselves not within the reach of seasonable assistance, from the western states. I am assured, sir, you will make the most judicious disposition of the forces under your command; but excuse me for suggesting, that the presence of the seventh regiment, at or near New Orleans, will have the most salutary effect. The garrison here at present, is alarmingly weak, and is a cause of much regret: from the great mixture of persons, and characters, in this city, we have as much to apprehend from within as from without. In arresting the intercourse between New Orleans and Pensacola, you have done right. Pensacola is, in fact, an enemy's post, and had our commercial intercourse with it continued, the supplies furnished to the enemy would have so much exhausted our own stock of provisions, as to have occasioned the most serious inconvenience to ourselves.

"I was on the point of taking on myself the prohibition of the trade with Pensacola: I had prepared a proclamation to that effect, and would have issued it the very day I heard of your interposition. Enemies to the country, may blame you for your prompt and energetic measures; but, in the person of every patriot you will find a supporter. I am very confident of the very lax police of this city, and indeed, throughout the state, with respect to the visits of strangers. I think with you, that our country is filled with spies and traitors. I have written pressingly on the subject to the city authorities and parish judges—

I hope some efficient regulations will speedily be adopted by the first, and more vigilance exerted for the future, by the latter."

In a third letter, the governor observes—"The only difficulty I have hitherto experienced, in meeting the requisition, has been in this city, and exclusively from some European Frenchmen, who, after giving their adhesion to Louis XVIII., have, through the medium of the French consul, claimed exemption from the drafts, as French subjects. The question of exemption, however, is now under discussion, before a special court of inquiry, and I am not without hopes, that these ungrateful men may yet be brought to a discharge of their duties.

"You have been informed of the contents of an intercepted letter, written by Colonel Coliel, a Spanish officer, to Captain Morales, of Pensacola. This letter was submitted for the opinion of the attorney general of the state, as to the measures to be pursued against the writer. The attorney general was of opinion, that the courts could take no cognizance of the same; but that the governor might order the writer to leave the state, and in case of refusal, to send him off by force. I accordingly, sir, ordered Colonel Coliel to take his departure, in forty-eight hours, for Pensacola, and gave him the necessary passports. I hope, this measure may meet your approbation. It is a just retaliation for the conduct lately observed by the governor of Pensacola, and may induce the Spaniards residing among us, to be less communicative upon those subjects which relate to our military movements."

In another letter, this patriotic chief magistrate says to General Jackson, "If Louisiana is invaded, I shall put myself at the head of such of my militia as will follow me to the field, and on receiving, shall obey your orders."

In addition to this, Charles K. Blanchard, Esq., writes to General Jackson thus · "Quartermaster Peddie, of the

British army, observed to me, that the commanding officers of the British forces, were daily in the receipt of every information from the city of New Orleans, which they might require in aid of their operations, for the completion of the objects of the expedition;—that they were perfectly acquainted with the situation of every part of our forces, the manner in which the same was situated, the number of our fortifications, their strength, position, &c. He furthermore stated, that the above information was received from persons in the city of New Orleans, from whom he could, *at any hour*, procure *every* information necessary to promote his majesty's interest."

So sensible, indeed, were all the *faithful* citizens, and every prominent authority in New Orleans, of the necessity of removing all obstructions to the enforcement of the paramount law of nature, that even the legislature, weak and undecided as it was on most occasions, and disposed to promote division rather than remove it, evinced some little patriotism, and passed an act *laying an embargo*, although they had no power under the constitution to regulate or restrain commerce; and this the governor sanctioned, and the citizens acquiesced in. In this case the legislature acted wisely; they acted on the principles of self-preservation, recognized in the preamble to the constitution "to provide for the common defence;" and did that for their constituents, which congress, to whom they had delegated the power, would, if they could, have done for them. The legislature also passed a law, closing the courts of justice for four months, which the governor assented to, and the judiciary solemnly approved. Judge Hall himself, of whom we shall have occasion hereafter to speak, discharged, without bail or recognizance, persons committed and indicted for capital offences against the United States, concurring with the other departments of power, in their conviction of the legal necessity of su-

perseding the less essential and elementary provisions of the law, by the great law of self-defence.

It is much to be lamented, that these prominent authorities should have afterwards receded from these patriotic endeavors, and instead of lending their effective and important aid to General Jackson, in his endeavors to save their city from destruction, and their country from disgrace, they should be found sowing the seeds of disaffection among his troops, and embarrassing his operations by legislative enactments, and judicial decisions, and by these means compel him to adopt a system of regulations which have rendered him obnoxious to censure, though the circumstances under which he acted afford him a complete justification.

From this state of things, the most energetic measures were necessary to insure the safety of the country. Supplies and arms must be procured, troops must be raised, intelligence must be prevented from reaching the enemy; and a source of danger, to which we have before alluded, was to be guarded against, and which the commanding officer was justified in believing to exist.

Before his arrival at New Orleans, as we have before seen, the governor of the state had confidentially advised him, that disaffection existed to an alarming degree, particularly amongst the French population in the state; and that the legislature was not free from suspicion. With the impression which this notice was calculated to produce, on his arrival for the first time in the country, unacquainted with the language spoken by a majority of the people, he thought himself obliged to assume such powers as alone could defeat the schemes of disaffection, if it existed, and to provide the means of defence which the government had neglected totally to do. This could not be done while the civil power was suffered to perform its usual functions; and he took, after severe deliberation,

the decisive step of proclaiming martial law. He knew the responsibility he incurred; he knew to what he exposed himself; and if ever there was an act of deliberate self-devotion, it was the one for which he has been reproached, as an unjustifiable assumption of powers.

Had he fashioned his conduct to suit the taste and win the applause of those who have censured him, he might have had generals and attorney generals, barristers and merchants from the city, capering about his lines, discouraging his men, disconcerting his measures, and scampering away from the enemy. He chose rather to have citizen soldiers, and to make those who owned the prize contended for, share in the toil and danger of its protection. A rich and testy dealer in cotton, who looked as if "but for those vile guns he would himself have been a soldier," accosted the general, who was piling up cotton bales against Wellington's invincibles, and requested that he "*would appoint a guard for his cotton.*" "Certainly," replied the general, "your request shall be complied with: here, sergeant! give this gentleman a musket and ammunition, and station him in the line of defence; no one can be better qualified to guard the cotton, than the owner of it." Thus the *dealer* was dealt with. This commanding spirit, evinced by the cotton dealer, and the considerations to which an allusion has been previously made, and confirmed by the example of other authorities, and by the pressure of the moment, suggested to General Jackson the prudence of comprehending New Orleans itself in his camp; of taking the city he was to defend under his protection. The measure was discussed with many eminent citizens, and was approved by others. It was advised and adopted distinctly on the ground of *public necessity*, of which all were convinced, and none even now can doubt. If the noted Louallier, of whom we shall have occasion hereafter to speak, under the influence of

the royalist Blanque, and the officious judge, (whose fault is atoned by the fact that he soon repented it, and he died the sincere friend of General Jackson,) brought *without necessity* and upon a secondary principle, the civil authority into collision with the military power, when exerted *from necessity*, and for the primary objects of the constitution, it was no fault of General Jackson. It is not the first time that enactments, provided for the liberty of the citizen, have been found temporarily incompatible with the safety of the state. Hence the well known maxim of the civil law—*Inter arma silent leges.* It is not the only conflict that has or can be found between separate provisions, or between the end or details of our constitution. Treaties, when approved by the senate and ratified by the president, are declared to be the supreme laws of the land, and yet the house of representatives claim, and justly too, the right of disregarding this supreme law, and of interposing their power over the bills of revenue. The right of property is secure under the constitution, and yet in certain cases a military officer may seize the means of subsistence or of transportation, leaving only a fair compensation to the owner, on the just ground of necessity. The trial by jury is the birthright of the citizen, and a dearer right than that secured by the *habeas corpus*, and yet the judicial power sets this right at defiance, and punishes for contempt, without the intervention of a jury, upon the ground of legal necessity. In violation of the same right, our legislative bodies punish arbitrarily any citizen who may attempt an abuse of their dignity or privileges. The truth is, these anomalies must be tolerated even in our fair and effective system, on the ground of necessity. They are essential to the principles they seem to oppose. The inconsistency of military power with the spirit of our institutions, arises from the nature of things—not from the character of this or

that commander—from the opposite characters of peace and war, and the adverse dispositions of mind on which the conditions of society are founded. Force is the principle of war—equity the spirit of peace. These two elements, however, elaborated by civilization, or ramified into consequences, cannot be divested of their original discordance. The prudence of our magistrates, and the patriotism of our citizens, have in most instances prevented their collision. Every thing considered, General Jackson was persuaded that the country would be lost, unless he sacrificed himself, and risked what he valued infinitely more than life—risked his reputation for patriotism, and regard to the constitution of his country, for its preservation. He did this deliberately. He knew the risk; God knew his purpose, and his own conscience approved it.

Having taken this important step, General Jackson incessantly engaged himself in erecting fortifications, and disciplining his soldiers for defence. Fort St. Philips was selected as an eligible position, and Major Overton was appointed to the command of it. The naval force near New Orleans, consisted of small gun-vessels, under the command of Captain Patterson.

On the 21st of December, General Coffee arrived with thirteen hundred Tennesseans; and about the same time Colonel Hinds came with a hundred and eighty of the Mississippi dragoons, and was soon followed by General Carroll with the remainder of the reinforcements from Tennessee. These brave men had marched a distance of eight hundred miles under the endurance of privations and hardships, which they met with a spirit of fortitude that redounded to their immortal honor, and gave an earnest of future success. The Kentucky troops, raised by the order of Governor Shelby, and commanded by General Thomas, had not yet arrived.

At length the storm which had been gathering, and

of which General Jackson and his little band had calmly awaited the approach, burst over them. The little naval force at New Orleans after a most gallant defence, fell into the hands of the enemy, and facilitated their operations; an outpost, which guarded one of the principal inlets, was surprised, and advancing through an uninhabited and uninhabitable country, the enemy was within seven miles of the city, on the banks of the river, before he was discovered. This was at two o'clock in the afternoon of the 23d December, one of the shortest days in the year. All the disposable force from different points was immediately collected. Before the sun had set, fifteen hundred men, the greater part of whom were militia, some of whom were armed only with pikes, were on their march, with a perfect knowledge that they were about to attack, in the open field, three times their number, of the best disciplined, the best appointed troops in the world. They advanced as gaily, and cheerfully, as if they were going to a convivial feast, and before it was well night, they were in the midst of the enemy's camp. The remains of the gallant little navy, a single schooner, under the brave Patterson, who himself took command of this small force, poured destruction into the ranks of the enemy. This was the signal of attack for the army on land.

The following is a description of the battle, as detailed to James Monroe by General Jackson:

The loss of our gun-boats near the pass of the Rigolets, having given the enemy command of Lake Borgne, he was enabled to chose his point of attack. It became therefore an object of importance, to obstruct the numerous bayous and canals, leading from that lake to the highlands on the Mississippi. This important service was committed, in the first instance, to a detachment of the seventh regiment, afterwards to Col. De Laronde, of the Louisiana militia, and lastly, to make all sure, to Maj. Gen. Vil

lere, commanding the district between the river and the lakes, and who being a native of the country, was presumed to be best acquainted with all those passes. Unfortunately, however, a picquet which the general had established at the mouth of the Bayou Bienvenue, and which, notwithstanding my orders, had been left unobstructed, was completely surprised, and the enemy penetrated through a canal leading to his farm, about two leagues below the city, and succeeded in cutting off a company of militia stationed there. This intelligence was communicated to me about twelve o'clock of the twenty-third. My force, at this time, consisted of parts of the seventh and forty-fourth regiments, not exceeding six hundred together, the city militia, a part of General Coffee's brigade of mounted gunmen, and the detached militia from the western division of Tennessee, under the command of Maj. Gen. Carroll. These two last corps were stationed four miles above the city. Apprehending a double attack by the way of Chief-Menteur, I left General Carroll's force and the militia of the city posted on the Gentilly road; and at five o'clock P. M. marched to meet the enemy, whom I was resolved to attack in his first position, with Major Hinds' dragoons, General Coffee's brigade, parts of the seventh and forty-fourth regiments, the uniformed companies of militia, under the command of Major Planche, two hundred men of color, chiefly from St. Domingo, raised by Colonel Savery, and acting under the command of Major Dagwin, and a detachment of artillery under the direction of Colonel M'Rhea, with two six pounders, under the command of Lieutenant Spotts; not exceeding, in all, fifteen hundred. I arrived near the enemy's encampment about seven, and immediately made my dispositions for the attack. His forces, amounting at that time on land to about three thousand, extended half a mile on that river, and in the rear nearly to the wood. General

Coffee was ordered to turn their right, while with the residue of the force, I attacked his strongest position on the left, near the river. Commodore Patterson, having dropped down the river in the schooner Caroline, was directed to open fire a upon their camp, which he executed at about half past seven. This being a signal of attack, General Coffee's men, with their usual impetuosity, rushed on the enemy's right, and entered their camp, while our right advanced with equal ardor. There can be but little doubt, that we should have succeeded on that occasion, with our inferior force, in destroying or capturing the enemy, had not a thick fog, which arose about eight o'clock, occasioned some confusion among the different corps. Fearing the consequence, under this circumstance, of the further prosecution of a night attack, with troops then acting together for the first time, I contented myself with lying on the field that night; and at four in the morning assumed a stronger position, about two miles nearer the city. At this position I remained encamped, waiting the arrival of the Kentucky militia and other reinforcements. As the safety of the city will depend on the fate of this army, it must not be incautiously exposed.

In this affair the whole corps under my command deserve the greatest credit. The best compliment I can pay to General Coffee and his brigade, is to say, they have behaved as they have always done, while under my command. The seventh, led by Major Pierre, and forty-fourth, commanded by Colonel Ross, distinguished themselves. The battalion of city militia, commanded by Major Planche, realized my anticipations, and behaved like veterans. Savary's volunteers manifested great bravery; and the company of city riflemen, having penetrated into the midst of the enemy's camp, were surrounded, and fought their way out with the greatest heroism, bringing with them a number of prisoners. The two field-

pieces were well served by the officers commanding them.

All my officers in the line did their duty, and I have every reason to be satisfied with the whole of my field and staff. Colonels Butler and Platt, and Major Chotard, by their intrepidity, saved the artillery. Colonel Haynes was every where that duty or danger called. I was deprived of the services of one of my aids, Captain Butler, whom I was obliged to station, to his great regret, in town. Captain Reid, my other aid, and Messrs. Livingston, Duplissis, and Davizac, who had volunteered their services, faced danger wherever it was to be met, and carried my orders with the utmost promptitude.

We made one major, two subalterns, and sixty-three privates, prisoners; and the enemy's loss, in killed and wounded, must have been at least ——. My own loss I have not as yet been able to ascertain with exactness, but suppose it to amount to one hundred in killed, wounded, and missing. Among the former, I have to lament the loss of Colonel Lauderdale, of General Coffee's brigade, who fell while bravely fighting. Cols. Dyer and Gibson, of the same corps, were wounded, and Major Kavenaugh taken prisoner.

Col. De Laronde, Major Villere, of the Louisiana militia, Major Latour, of engineers, having no command, volunteered their services, as did Drs. Kerr and Hood, and were of great assistance to me.

This master-stroke of energy and decision, in its consequences, saved the country, and led to the more important result which closed this glorious campaign. None but such a leader would have planned such an attack; none but such troops would have enabled him to execute it with success. This taught the enemy to respect the courage of our troops; it led him to overrate our numbers; and made him wait for his decisive attack, until

the position so judiciously chosen for the action, was placed in a sufficient state of defence, to become the theatre of a future and signal victory. It was a most encouraging example for those who love the institutions of our country. If three thousand three hundred men, with no other discipline than a few weeks could produce, in the simplest line of defence that the art of fortification knows, could prove themselves an over match for four times their number of the best troops in the world, used to conquest, well appointed, and led by experienced officers : to what can we attribute it, but to that moral force which is inspired by love of country, and by that alone ? And it will be found that from Thermopylæ to Morad, those astonishing efforts in which troops without discipline have successfully contended against superior numbers, have been made in defence of liberty.*

* Livingston's Address.

CHAPTER VIII.

Effects of the battle of the twenty-third—Ladies of New Orleans—Their patriotic exertions—American lines of defence—General Jackson's exertions—Loss of the schooner Caroline—Battle of the 28th December—Battle of the 1st January—Repulsion of the enemy on that occasion—Sir Edward Packenham—Discoveries made by time.

The result of the battle of the twenty-third December, though not decisive, produced the happiest effects. It animated the inhabitants, and encouraged them to prosecute with still greater vigor the measures of defence. Nothing could exceed the ardor with which it inspired the army of General Jackson. His soldiers obeyed his orders with the utmost alacrity and promptitude, and held themselves in readiness, at a moment's warning, to face again their invaders, and add fresh laurels to those they had already won.

The patriotic exertions of the ladies of New Orleans to render every assistance in their power to the besieged, do honor to their sex. The modest, unobtruding, virtues and excellencies of woman, are too often forgotten, in times of peril and danger. Man's aims are ambitious and aspiring; he seeks his enemy in the battle-field, and by deeds of desperate daring, in many a fierce encounter, acquires a name that will live till the end of time. But woman acts in a different sphere; hers is the task of soothing the wounded spirit; of binding up the broken heart. There is a point of time in the life of every man,

however lofty may have been his aspirations, or towering his hopes, when the world and all its seductive pageantry pall upon his spirit—when the plaudits of the multitude fall tuneless upon his ear; it is in the hour of nature's agonizing conflict with dissolution; then it is that woman's excellences are called into exercise; then her enduring virtues—her watchful vigils—her ceaseless solicitudes—her untiring patience, and ever watchful sympathies, are felt and acknowledged; and although her name may not be trumpeted by the clarion of fame throughout the universe, or encircled in the halo of glory that illumines the pathway of the conqueror, yet she reaps a rich reward from the gratitude, the blessings, and benedictions of thousands of the children of misery and misfortune, who have been made the recipients of her soothing kindnesses, and bountiful benefactions. The ladies of New Orleans admirably sustained those virtues which do honor to their sex. With their own hands they manufactured clothing for distribution among their brave defenders, and the sick and wounded received from them those soothing attentions and kindnesses which are so peculiarly acceptable to the debilitated and war-worn soldier. The hospitals were abundantly supplied with all attainable comforts; the nunnery was converted into an extra hospital for the wounded, and the surgeons and physicians exerted themselves without fee or reward.

After the battle of the 23d, General Jackson encamped his army near the field of battle, intending in the morning to renew the engagement. But the disadvantages of his situation, and the numerical superiority of the enemy, induced him to change his plan.

It has already been mentioned, that the gun-boats, commanded by Lieutenant Jones, were captured upon the 14th, and the commander severely wounded. His force consisted of a few gun-boats, the whole mounting twenty-

three guns, and having one hundred and eighty-three men on board. The British force that attacked this little gallant flotilla, consisted of forty-five boats, forty-two guns, and twelve hundred men, commanded by Captain Lockyer, whose loss in killed and wounded exceeded three hundred men; and he received three severe wounds himself. Upon Lieutenant Jones, Captain Patterson bestows the highest applause, and most deservedly too; for considering the species of force he had under his command, and the great superiority of the enemy, his gallantry is scarcely exceeded by any officer in our navy.

The various passes at the mouth of the Mississippi were guarded in the best possible manner, by different forts; and considering the short time allowed to construct them, and the few men only who could be spared to garrison them, their defences entitle the garrisons to the highest applause. Major Overton, at Fort St. Philips, determining never to surrender, nailed the American flag to his standard, and resolved that it should triumphantly wave over that of Britain, as long as a living man remained in the fort to defend it. The troops at the mouths of the river, were as much inspired with fortitude by the addresses and examples of General Jackson, as those under his immediate command. Having these forts, as well as the current of the Mississippi to oppose, the British admiral was prevented from bringing any of his larger vessels, to co-operate with the land forces, in their various attacks upon the American lines. Had he been enabled to effect this, it is difficult to conceive how the city could have been saved.

On the 24th, General Jackson took his final position. It extended in a direct line from the east bank of the Mississippi, into the edge of the Cypress Swamp, a distance exceeding a mile. For the whole distance, the troops almost incessantly labored, and with a vigor worthy of the

cause that called forth their laborious exertions, in throwing up a strong breastwork, under the protection of which they were to be intrenched. From the bank of the river to the edge of the Cypress Swamp, a distance of very near a mile, the country was a perfect plain. The small force under General Jackson were in full view of the greatly superior force in the British camp. Although they had received a check in the brilliant affair of the 23d, it would seem to be the result of infatuation itself, that they remained unmoved spectators of the measures of defence the American commander was taking, which, if prosecuted to completion, would render them hopeless of success.

Adjoining the river, and in advance of the main work, a redoubt was formed to protect the right wing of the army, upon which were mounted a number of pieces of heavy artillery. Through the whole line were mounted, at proper distances, cannon from six to thirty-two pounders. The breastwork was extended from four hundred and fifty to five hundred yards into the swamp, to prevent the enemy from turning the left wing of the army. This part of the intrenchment, was constructed with extreme difficulty, and with excessive fatigue; being erected in a morass, almost impassable from the depth of the mud and water. It was wisely supposed that the British commander would conclude that the American intrenchment reached only to the edge of the swamp; and that he would endeavor to force a passage through it, and gain the rear of the American army. At the immediate edge of the swamp, an angular indent was made in the intrenchment, upon which heavy pieces of artillery were placed so as to rake the enemy in the swamp, from one side of it, and in the open field, from the other. Every hour's labor increased the strength of the intrenchment, and every event that transpired, augmented the confidence of the troops. Notwithstanding the rapidly increasing security of his

small, and to a very considerable amount unarmed troops, General Jackson endeavored to provide against every event that could endanger their safety, or that of the city. Admitting the possibility that the British army, from their great superiority in numbers, and from the numerous pieces of heavy ordnance they were constantly transporting in barges, from their shipping to their encampment, might force his lines, he dispatched the whole of his unarmed men two miles in his rear, to erect another breastwork, as a rallying point, at no great distance from the city. In this way, he furnished constant employ for all his men, prevented their despondency, and aroused their courage.

General Jackson was aware that the enemy's main army had not yet (December 24) landed, and wholly uncertain where they would make a descent, he took the same measures to fortify the country on the west, or right bank of the river, as he had upon the east, or left bank. An intrenchment was there thrown up from the bank of the river, extending west to a swamp, which approaches nearer to the river than that upon the east side. Governor Claiborne and the Louisiana militia, being more perfectly acquainted with the country, were stationed on the right bank of the river. Captain Patterson and his crew had erected a battery near the bank of the river, and to the main intrenchment. This intrenchment was about three quarters of a mile below that on the left bank; and being supported by Patterson's battery and his crew, whose skill in gunnery was evinced in the battle of the 23d, it was supposed as capable of sustaining and repelling an assault as that on the left. The command of the right bank of the river, was intrusted to General Morgan, and a force placed under his command sufficient to render it as secure as the left.

General Jackson made the most unwearied exertions

in strengthening this important position; and his industry, perseverance, and fortitude, set before his soldiers a noble example, which proved most happy in its results. On the 27th, his line of defence was completed; and from its commencement till that time, he allowed himself neither sleep nor relaxation from toil. The activity, patience, and spirit, of his troops, who kept their wet, unwholesome ground, at this inclement season, and labored with such incessant zeal till the completion of the fortifications, is above all praise. The schooner Caroline, after the battle of the 23d, had kept her position opposite the British encampment. Her commander, Commodore Patterson, could have left his dangerous position, by dropping down below; but he could not think of depriving the army of her assistance in case of an attack. He therefore waited for a wind to take her up to the American line of defence. On the morning of the 27th, the enemy, from a land battery which had been thrown up the previous night, opened a fire upon her with red-hot shot. They soon succeeded in firing her, which compelled the crew to abandon her; and scarcely had they time to reach the shore, before she blew up.

Emboldened by this event, the enemy put his forces in motion in order to storm the American works. With a view of driving our troops from their position, the British forces, at the distance of half a mile, opened upon them a copious shower of shot, bombs, and rockets. While their artillery were thus employed, their columns moved in order of battle, till our batteries opened upon them a destructive cannonade, which compelled them to retreat with a loss of about one hundred and twenty killed; while the loss sustained by the Americans did not exceed twenty-five in killed and wounded.

Considerable skirmishing took place, after this affair, between the pickets, but no serious engagement was immediately commenced.

It was a subject of regret to General Jackson, that he had not, at this time, the means of carrying on more offensive operations; the troops from Kentucky had not arrived, and his effective force at this point did not exceed three thousand. The force of the enemy must at least have been twice the number of ours, as prisoners and deserters agreed in the statement that seven thousand landed from their boats.

These unsuccessful essays of the enemy, were far from affording him the satisfaction he had anticipated from an easy victory. The British forces were not deterred, however, from making every effort in their power to augment their force, and strengthen their position, by transporting their heavy artillery from their shipping to their lines; nor were the Americans less assiduously engaged in preparing themselves for a gallant reception of their foes, however imposing and formidable might be the method of their visit.

On the first of January, the British forces placed themselves in a hostile attitude, pushed forward their heavy artillery, commencing at the same time an attack with bombs and rockets upon the whole American line, from the Cypress Swamp to the Mississippi. The charge was returned with much gallantry and spirit by the American troops; the musketeers and riflemen, together with the artillery planted upon the intrenchments, opened upon them a flood of death, and the battle raged till the approach of darkness put an end to the conflict, and induced the British assailants to retire to their lines.

Great loss was sustained by the enemy in this conflict, the number of which could not be ascertained, as their dead were carried from the field. The American loss was eleven killed and twenty-three wounded.

Despairing of ultimate success in their attack upon the whole line, the enemy, in the course of the night, erected

a battery on the margin of the morass, for the purpose of turning the left wing of our army. They had much confidence in the successful result of this plan of operation; but the sun, which dissipated the fog the following morning, discovered to them, also, the futility of their hopes. To their astonishment, they found the American intrenchment completed three hundred yards beyond their battery in the morass, and General Coffee, with his brave Tennesseans, ready to give them an unwelcome reception. They opened upon our troops with their eighteen pounders, but the return fire from our lines, poured upon them with a most destructive effect. The battle raged till the enemy, no longer able to sustain the fire of our batteries, discontinued the contest in much confusion.

On the following morning, General Jackson ordered a sortie of four hundred men, two hundred of whom were mounted, to reconnoitre their camp; and by them it was ascertained, that their artillery had been dismounted by our guns; that they had been carried off; that they had razed their redoubts, and had retreated on their first lines towards Lake Bienvenue.

These repeatedly unsuccessful attempts of Sir Edward Packenham, to storm the American lines, and reduce the city of New Orleans by a *coup de main*, brought at length to his mind the unwelcome conviction, that to meet and vanquish our armies in the field; to capture our cities; to plunder them of their "beauty and booty," for the gratification of the avarice and licentiousness of his soldiers; to plant there the standard of his nation, and extend over our countrymen the sceptre of its power, were matters that could not be performed as the pastime of an idle hour; not things that could be done or left undone, as the good will and pleasure of him or his sovereign master should dictate. He was, however, a brave man, and resolved not to despair, but concentrate his forces,

and by one powerful effort to accomplish the object of his expedition, by defeating the American army, and destroying New Orleans; thus fulfilling the expectations of his countrymen, and winning for himself another and a greener wreath of laurel. Of the success of his operations, we shall soon have occasion to remark.

CHAPTER IX.

Belligerent preparations—Arrival of Kentucky reinforcements—Operations of General Pakenham—Advances upon the American works—BATTLE OF NEW ORLEANS—Result of the battle—Retreat of the army—Fort St. Philips—Major Overton's gallant defence of it—Consequences of the victory of New Orleans—General Jackson addresses his soldiers.

THE notes of preparation were now every where heard along the lines of the belligerent armies, which indicated the approach of a bloody encounter. Sir Edward Pakenham, the commander-in-chief of the British forces at New Orleans, had many powerful motives that urged him to risk a decisive battle. It is true, he was not upon his own native soil, struggling for the preservation of his country's liberty and honor; for the safety of his family, his friends, his fireside, and home; his arm was not raised to check high-handed oppression, or crush a tyrant who trampled with impunity upon the lives and privileges of his subjects; but he was a veteran who had acquired much reputation by his prowess on the bloody battle-fields of Europe; he was a favorite and distinguished officer under Wellington, and shared in the honors which were lavished upon those who had been instrumental in completing the wreck of the fallen fortunes of the most consummate general that the world ever saw: he knew that for these considerations his government had placed

an army of fifteen thousand of the best disciplined troops most of whom had been his former companions in glory, under his command, and intrusted to him the care of this expedition against New Orleans, and that they were sanguine in their expectations of his success. He therefore determined to strike a decisive blow, and meet the anticipations of his countrymen. General Jackson, on the other hand, though impelled by widely different motives from those of his distinguished rival, was nevertheless determined to repel with firmness every aggression of the enemy.

On the fourth of January, the Kentucky militia, to the amount of two thousand five hundred, under the command of General Adair, arrived at New Orleans, and joined the army of General Jackson. Their arms were in very bad order on their arrival, in consequence of which, and the scarcity of good muskets with bayonets, four companies of regulars gave up their arms to the newly arrived troops, and armed themselves with fowling pieces and pikes in their stead. The American force consisted of about six thousand, chiefly composed of inexperienced militia, many of them unarmed, in consequence of the delay in forwarding munitions, which were expected, as they were known to be in the Mississippi. The enemy's force consisted of more than fourteen thousand of the best disciplined troops, and commanded by officers of acknowledged skill and courage.

General Pakenham was prepared for a serious attempt upon the American works. During the days of the sixth and seventh, he employed himself with much activity in making preparations for battle. With infinite labor he was enabled, on the night of the seventh, to complete a canal from the swamp to the Mississippi, by means of which he succeeded in transporting his boats, in which his disembarkation had been effected, from the lake to the

river. His intentions were to make a simultaneous attack on the main force of General Jackson on the left bank, and crossing the river to attack the batteries on the right. The works of General Jackson were now completed, his front was a straight line of one thousand yards, defended by upwards of three thousand infantry and artillerists. The ditch contained five feet water; and his front, from having been flooded by opening the levees, and frequent rains, was rendered slippery and muddy. Eight distinct batteries were judiciously disposed, amounting in all to twelve guns of different calibers.

On the opposite side of the river, there was a strong battery of fifteen guns, erected and superintended by Commodore Patterson; and the intrenchments were occupied by General Morgan, with the Louisiana militia, and a strong detachment of Kentucky troops. To guard against an attack from any other source, Colonel Kemper, with a few men, encountering great difficulties, had explored every pass and bayou, and on this subject had placed at ease the mind of the American commander.

It had not been in the power of General Jackson to impede the operations of the enemy by a general attack, on account of the nature of his troops, they being composed mostly of militia, mere novices in the science of war, and wholly unused to military tactics. To have attempted extensive offensive movements, in an open country, against an army of double his numbers, and superior in every respect in point of arms and discipline, would have been extremely hazardous and doubtful policy. His forces had been increased in number, it is true, by the arrival of the Kentucky division, but his effective strength had received no important addition; a small portion only of that detachment being provided with arms or munitions, that could render them of much service in the approaching contest. He was thus compelled to wait

the attack of the enemy, to take every measure to repel it when it should be made, and defeat the object they had in view.

On the seventh, a general movement and bustle in the British camp, indicated that the contemplated attack was about to be made. Every thing in the American encampment was ready for action, when at day-break, on the morning of the memorable eighth, a shower of rockets from the enemy, gave the signal of battle. A detachment of the enemy under Colonel Thornton, proceeded to attack the works on the right bank of the river, while General Pakenham with his whole force, exceeding twelve thousand men, moved in two divisions under Generals Gibbs and Kean, and a reserve under General Lambert. Both divisions were supplied with scaling-ladders and fascines, and General Gibbs had directions to make the principal attack. Nothing could exceed the imposing grandeur of the scene. The whole British force advanced with much deliberation in solid columns, over the even surface of the plain in front of the American intrenchments, bearing with them, in addition to their arms, their fascines and ladders, for storming the American works. All was hushed in awful stillness throughout the American lines; each soldier grasped his arms with a fixedness of purpose, which told his firm resolve to "do, or die;" till the enemy approached within reach of the batteries, which opened upon them an incessant and destructive tide of death. They continued, however, to advance with the greatest firmness, closing up their lines as they were opened by the fire of the Americans, till they approached within reach of the musketry and rifles; these, in addition to the artillery, produced the most terrible havoc in their ranks, and threw them into the greatest confusion. Twice were they driven back with immense slaughter, and twice they formed again and renewed the

assault. But the fire of the Americans was tremendous, it was unparalleled in the annals of deadly doing; it was one continued blaze of destruction, before which men could not stand and live. Every discharge swept away the British columns like an inundation—they could not withstand it, but fled in consternation and dismay. Vigorous were the attempts of their officers, to rally them; General Pakenham in the attempt received a shot, and fell upon the field. Generals Gibbs and Kean succeeded, and attempted again to push on their columns to the attack, but a still more dreadful fatality met them from the thunders of the American batteries. A third unavailing attempt was made to rally their troops by their officers, but the same destruction met them. The gallantry of the British officers, on this desperate day, was deserving of a worthier cause, and better fate. General Gibbs fell mortally, and General Kean desperately wounded, and were borne from the field of action. The discomfiture of the enemy was now complete; a few only, of the platoons, reached the ditch, there to meet more certain death. The remainder fled from the field with the greatest precipitancy, and no farther efforts were made to rally them. The intervening plain between the American and British fortifications, was covered with the dead; taking into view the length of time and the numbers engaged, the annals of bloody strife, it is believed, furnish no parallel to the dreadful carnage of this battle. Two thousand, at the lowest estimate, fell, besides a considerable number wounded. The loss of the Americans did not exceed seven killed and six wounded. General Lambert was the only superior officer left on the field; being unable to check the flight of the British columns, he retreated to his encampment.

The entire destruction of the enemy's army, would have been now inevitable, had it not been for an unfor-

tunate occurrence, which at this moment took place on the other side of the river. General Pakenham had thrown over in his boats, upon that side of the stream, a considerable force, under the command of Colonel Thornton, simultaneously with his advance upon the main body of the American works. They succeeded in landing at the point of their destination, and advanced to assault the intrenchment, defended by General Morgan. Their reception was not such as might have been expected, from the known courage and firmness of the troops under his command; at a moment, when the same fate that met their fellows on the opposite side of the river was looked for, with a confidence approaching to a certainty, the American right, believing itself to be outflanked, or some other reason never satisfactorily explained, relinquished its position, while the left, with the batteries of Commodore Patterson, maintained their ground for some time with much gallantry and spirit, till at length finding themselves deserted by their friends on the right, and greatly outnumbered by the enemy, they were compelled to spike their guns and retreat.

This unfortunate result, totally changed the aspect of affairs. The enemy were now in occupation of a position from which they might annoy the Americans with little hazard to themselves, and by means of which, they might have been enabled to defeat, in a very considerable degree, the effects of the success of our arms on the other side of the river. It therefore became an object of the first consequence with General Jackson, to dislodge him as soon as possible. For this object, all the means in his power, which he could use with any safety, were put into immediate requisition.

A negotiation, however, for a temporary suspension of hostilities, took place, to enable the enemy to bury their dead, and provide for their wounded. During this inter-

val, the American commander prepared himself to regain what had been so improvidently lost. To those who had abandoned a station of such importance, he addressed the following language:

"While, by the blessing of Heaven, one of the most brilliant victories was obtained by the troops under my immediate command, no words can express the mortification I felt, at witnessing the scene exhibited on the opposite bank. I will spare your feelings and my own, nor enter into a detail on the subject. To all who reflect, it must be a source of eternal regret, that a few moments exertion of that *courage* you certainly possess, was alone wanting to have rendered your success more complete, than that of your fellow-citizens in this camp. To what cause was the abandonment of your lines owing? To fear? no! You are the countrymen, the friends, the brothers of those who have secured to themselves, by their courage, the gratitude of their country; who have been prodigal of blood in its defence, and who are strangers to any other fear than disgrace—to disaffection to our glorious cause. No, my countrymen, your general does justice to the pure sentiments by which you are inspired. How then could brave men, firm in the cause in which they were enrolled, neglect their first duty, and abandon the post committed to their care? The want of discipline, the want of order, the total disregard to obedience, and a spirit of insubordination, not less destructive than cowardice itself, are the causes which led to this disaster, and they must be eradicated, or I must cease to command. I desire to be distinctly understood, that every breach of orders, all want of discipline, every inattention of duty, will be seriously and promptly punished; that the attentive officers, and good soldiers, may not be involved in the disgrace and danger, which the negligence of a few may produce. Soldiers! you want only the will, in order

to emulate the glory of your fellow-citizens on this bank of the river—you have the same motives for action—the same interest—the same country to protect: and you have an additional interest, from past events, to wipe off reproach, and show that you will not be inferior, in the day of trial, to any of your countrymen.

"But remember, without obedience, without order, without discipline, all your efforts are vain. The brave man, inattentive to his duty, is worth little more to his country, than the coward who deserts her in the hour of danger.

"Private opinions, as to the competency of officers, must not be indulged, and still less expressed. It is impossible that the measures of those who command, should satisfy all who are bound to obey; and one of the most dangerous faults in a soldier, is a disposition to criticise and blame the orders and characters of his superiors. Soldiers! I know that many of you have done your duty; and I trust in future, that I shall have no reason to make any exception. Officers! I have the fullest confidence that you will enforce obedience to your commands; but above all, that by subordination in your differents grades, you will set an example to your men; and that hereafter, the army of the right will yield to none, in the essential qualities which characterize good soldiers—that they will earn their share of those honors and rewards, which their country will prepare for its deliverers."

All the circumstances considered, which elicited this address, no one, it is confidently believed, can be found who would hazard a censure on it as an unnecessary exhibition of severity. Their only faults, as their commander ingenuously told them, were their habits of insubordination, and impatience under the wholesome restraints of military discipline; and yet it could hardly be otherwise—the Kentucky troops, to whom was intrusted the

defence of this position, had only arrived at New Orleans three days previous to the battle ; they were raw recruits, unversed in military tactics ; but no one ever doubted their courage—their leader did not doubt it, nor can it ever be questioned with the least shadow of justice. The iron nerve, and intrepid daring of the Kentuckians, are proverbial throughout the world ; could they have seen a few weeks discipline, or had their insubordination been checked, and their discordant views concentrated upon the attainment of one object, the British legions could have sooner sent back the Mississippi to its fountain-head, than have driven the Kentuckians from their entrenchments, while a soldier was living to defend them.

The position which was so unadvisedly abandoned by the Americans, was soon vacated by the British. Disheartened by such a succession of disasters as had attended their expedition against New Orleans, they retired, after a consultation of their officers, to their shipping. This they effected with the utmost secrecy, leaving behind them, under medical attendance, eighty of their wounded; including two officers, fourteen pieces of their heavy artillery, and a quantity of shot, having destroyed much of their powder. Such was the situation of the ground they abandoned, and of that through which they retired, protected by canals, redoubts, intrenchments, and morasses on his right, and the river on his left, that General Jackson could not, without encountering great risk, which true policy did not seem to dictate or authorize, attempt to annoy him much on his retreat.

Whether it was the intention of the British commander to renew his efforts at some other point, or abandon the expedition altogether, could not at this period be ascertained with positiveness by General Jackson; his convictions were, however, pretty strong, that his last exertions had been made in this quarter. This belief was

strengthened not only by the severe loss he had sustained at the position he had just abandoned, but also by the failure of his fleet to pass Fort St. Philips.

This pass was defended by the gallant Major Overton. It was on the first of January that this officer received information that the enemy intended passing this fort, to co-operate with their land forces, in the subjugation of Louisiana and the destruction of New Orleans. To effect this with more facility, they intended, in the first instance, with their heavy bomb-vessels to bombard the fort into subjection.

On receipt of this information, Major Overton turned his attention to the security of the position under his command. He erected small magazines in different parts of the garrison, that if one blew up, he could resort to another; built covers for his men, to secure them from the explosion of the shells, and removed the combustible matter without the work. Early on the morning of the 8th, he was advised of the approach of the enemy, and on the ninth at a quarter past ten in the forenoon, two bomb-vessels, one sloop, one brig, and one schooner, hove in sight; they anchored two miles below, and at half past eleven, they advanced two barges, apparently for the purpose of sounding, within one and a half miles of the fort. Major Overton ordered his water battery, under the command of Lieutenant Cunningham of the navy, at this moment to open upon them: the command was promptly obeyed, and with an effect that produced a precipitate retreat. At half past three o'clock in the afternoon, the enemy's bomb-vessels opened their fire from four sea-mortars, two of thirteen inches, and two of ten, and much to the chagrin of the American commander, he found they were without the effective range of his shot, as many subsequent experiments proved. They continued their fire with little intermission till the seventeenth.

THE BATTLE OF NEW ORLEANS.

On the evening of that day a heavy mortar prepared by the Americans was in readiness. Major Overton ordered Captain Wolstoncroft of the artillerists, who previously had charge of it, to open a fire, which was done with great effect; it produced much disorder amongst the enemy, and at daybreak on the morning of the 18th, they commenced their retreat, after having thrown upwards of a thousand heavy shells, besides shells from howitzers, round shot, and grape, which they discharged from boats under the cover of the night.

The loss of the Americans in this encounter was uncommonly small, in consequence of the great care taken by the officers to keep their men under cover; as the enemy left scarcely ten feet of the garrison untouched by their artillery.

The officers and soldiers through this whole affair, although nine days and nights under arms in the different batteries, the consequent fatigue and loss of sleep, manifested the greatest firmness, and the most zealous ardor to defeat the enemy.

The evacuation of Louisiana by the enemy was now complete, without having accomplished a single object of their expedition, with a loss of five thousand of their officers and men, and the production of extreme mortification to the British government.

Thus ended a campaign, by the achievement of a victory of the most unparalleled brilliancy and importance. On its consequences it would be unnecessary to enlarge; they have been known and felt by thousands of our grateful countrymen, and will ever be acknowledged with pride and gratitude by every patriotic American heart. A large and flourishing city saved from pillage; its inhabitants from the horrors incident to a capture by storm, and the excesses of a licentious soldiery stimulated to deeds of daring, by the watch-word of "beauty and booty:"

most important commercial portal of our country preserved from the rude grasp and occupation of a foreign power, and the fruits of the honest industry of our southern and western brethren, preserved to the owners of the soil; and more than all this, the production of that glorious excitement, which, to the latest posterity, will animate our countrymen to the defence of their rights, are indeed circumstances of rare occurrence; and when we add to the reflection, that these things were achieved by a mere handful of brave men, hastily brought together, composed of discordant materials, ill supplied with the munitions of war, yet led by the energy and talent of a single individual, to a triumph over double their numbers of the best disciplined and best appointed troops in the world, we cannot but consider it one of the greatest deliverances ever achieved by the prowess and courage of man.

At the close these brilliant events, General Jackson addressed his companions in glory, in the following happy and appropriate manner:

"Citizens, and fellow-soldiers! The enemy has retreated, and your general has now leisure to proclaim to the world what he has noticed with admiration and pride —your undaunted courage, your patriotism, and patience, under hardships and fatigues. Natives of different states, acting together for the first time in this camp; differing in habits and in language, instead of viewing in these circumstances the germ of distrust and division, you have made them the source of honorable emulation, and from the seeds of discord itself have reaped the fruits of an honorable union. This day completes the fourth week, since fifteen hundred of you attacked treble your number of men, who had boasted of their discipline and their services under a celebrated leader, in a long and eventful war —attacked them in their camp, the moment they had profaned the soil of freedom with their hostile tread, and in-

flicted a blow which was a prelude to the final result of their attempt to conquer, or their poor contrivances to divide us. A few hours was sufficient to unite the gallant band, though at the moment they received the welcome order to march, they were separated many leagues, in different directions from the city. The gay rapidity of the march, and the cheerful countenances of the officers and men, would have induced a belief that some festive entertainment, not the strife of battle, was the scene to which they hastened with so much eagerness and hilarity. In the conflict that ensued, the same spirit was supported, and my communications to the executive of the United States, have testified the sense I entertained of the merits of the corps and officers that were engaged. Resting on the field of battle, they retired in perfect order on the next morning to these lines, destined to become the scene of future victories, which they were to share with the rest of you, my brave companions in arms. Scarcely were your lines a protection against musket-shot, when, on the 28th, a disposition was made to attack them with all the pomp and parade of military tactics, as improved by those veterans of the Spanish war.

"Their batteries of heavy cannon kept up an incessant fire; their rockets illuminated the air; and under their cover, two strong columns threatened our flanks. The foe insolently thought that this spectacle was too imposing to be resisted, and in the intoxication of this pride, he already saw our lines abandoned without a contest. How were these menacing appearances met? By shouts of defiance, by a manly countenance, not to be shaken by the roar of his cannon, or by the glare of his firework rockets; by an artillery served with superior skill, and with deadly effect. Never, my brave friends, can your general forget the testimonials of attachment to our glorious cause, of indignant hatred to our foe, of affectionate confidence

in your chief, that resounded from every rank, as he passed along your line. This animating scene damped the courage of the enemy; he dropped his scaling ladders and fascines, and the threatened attack dwindled into a *demonstration*, which served only to show the emptiness of his parade, and to inspire you with a just confidence in yourselves.

"The new year was ushered in with the most tremendous fire his whole artillery could produce: a few hours only, however, were necessary, for the brave and skillful men, who directed our own, to dismount his cannon, destroy his batteries, and effectually silence his fire. Hitherto, my brave friends, in the contest on our lines, your courage had been passive only; you stood with calmness a fire that would have tried the firmness of a veteran, and you anticipated a nearer contest with an eagerness which was soon to be gratified.

"On the 8th of January, the final effort was made. At the dawn of day the batteries opened, and the columns advanced. Knowing that the volunteers from Tennessee and the militia from Kentucky were stationed on your left, it was there they directed their chief attack.

"Reasoning always from false principles, they expected little opposition from men whose officers even were not in uniform, who were ignorant of the rules of dress, and who had never been *caned into discipline*. Fatal mistake! a fire incessantly kept up, directed with a calmness and unerring aim, strewed the field with the bravest officers and men of the column which slowly advanced, according to the most approved rules of European tactics, and was cut down by the untutored courage of American militia. Unable to sustain this galling and unceasing fire, some hundreds nearest the intrenchment called for quarter, which was granted: the rest retreating, were rallied at some distance, but only to make them a surer mark for

the grape and canister shot of our artillery, which, without exaggeration, mowed down whole ranks at every discharge: and at length they precipitately retired from the field.

Our right had only a short contest to sustain with a few rash men, who fatally for themselves, forced their entrance into the unfinished redoubt on the river. They were quickly dispossessed, and this glorious day terminated with the loss to the enemy, of their commander-in-chief and one major-general killed, another major-general wounded, the most experienced and bravest of their officers, and more than three thousand men killed, wounded and missing, while our ranks, my friends, were thinned only by the loss of seven of our brave companions killed, and six disabled by wounds—wonderful interposition of heaven! unexampled event in the history of war!

Let us be grateful to the God of battles, who has directed the arrows of indignation against our invaders, while he covered with his protecting shield the brave defenders of their country.

After this unsuccessful and disastrous attempt, their spirits were broken, their force was destroyed, and their whole attention was employed in providing the means of escape. This they have effected; leaving their heavy artillery in our power, and many of their wounded to our clemency. The consequences of this short but decisive campaign, are incalculably important. The pride of our arrogant enemy humbled, his forces broken, his leaders killed, his insolent hopes of our disunion frustrated—his expectation of rioting in our spoils and wasting our country, changed into ignominious defeat, shameful flight, and a reluctant acknowledgment of the humanity and kindness of those, whom he had doomed to all the horrors and humiliation of a conquered state.

On the other side, unanimity established, disaffection

crushed, confidence restored, your country saved from conquest, your property from pillage, your wives and daughters from insult and violation—the union preserved from dismemberment, and perhaps, a period put by this decisive stroke, to a bloody and savage war. These, my brave friends, are the consequences of the efforts you have made, and the success with which they have been crowned by heaven.

These important results have been effected by the united courage and perseverance of the army; but which the different corps, as well as the individuals that compose it, have vied with each other in their exertions to produce. The gratitude, the admiration of their country, offers a fairer reward, than that which any praises of the general can bestow, and the best is that of which they can never be deprived, the consciousness of having done their duty, and of meriting the applause they will receive."

We regret that our limits will not admit of a detail of the correspondence between General Jackson and the officers of the British army, which exhibits in so favorable a light, the courtesy and dignity of his intercourse with them on matters of negotiation; we cannot forbear, however, transcribing an anecdote illustrative of it. It exhibits not only his courtesy and dignity in relation to the enemy, but a humane disposition, attentive to the danger of the humblest individuals.

Among other volunteers who served under him, was a brave man, one distinguished as a general in the armies of the Republican France,—Humbert,—who, with a handful of men, had invaded Ireland, and had nearly penetrated to its capital. This gentleman had obtained permission to raise an independent corps, and in order to fill it, had, by some incorrect representations, induced some of the English prisoners to enlist. When it was known to General Jackson, he disapproved of the proceeding. A car-

tel had been signed for the exchange of prisoners, and each one who should be kept under pretence of such enlistment, would prolong the captivity of one of our American citizens. Moreover, the English prisoners who had signed their names for enlistment, complained of some deception; and their act was known to their fellow-soldiers, and they feared punishment if they were exchanged.

Under these circumstances, General Jackson, confiding in the magnanimity and generosity of the British commander, and judging of his character and feelings from his own, acquainted him with the circumstance, and said that it would afford him the highest satisfaction to learn that no inquiry should be made to the prejudice of the men, on their return. His confidence was not misplaced. There is an instinct by which brave and honorable men know each other. General Lambert answered him nearly in these words. "On the subject of the prisoners, I have only to remark that feeling and honorable conduct which has characterized every transaction in which I have had the honor to be concerned with you. You may rely upon it, I shall take no retrospective view of the conduct of any of the men returned, and shall find reasons for discontinuing an inquiry, should it be brought before me in any other manner."

Who is there on reading this correspondence, that does not admire the humane feelings of the one, the courteous compliance and gentleman-like language of the other of these brave men, then at the head of hostile armies! Who is there who can believe that he who was thus tender of the lives of his enemy's soldiers, would unnecessarily and cruelly take those of his own!—Who is there who loves his country, or his country's honor, that would not spurn the foul calumny which at once would tarnish both!

We have not space here to relate minutely, all the circumstances which show the humanity of General Jackson to the wounded prisoners who were taken, to the number that were left to his care when the enemy retired, and his constant, unwearied attention to the men under his command. He treated and spoke to them as his children; and that they returned his confidence by good conduct, may be inferred from the fact, that not a single punishment was inflicted for a military offence during the campaign.

Another incident, which beautifully illustrates the devoted and patriotic feelings of the females of Louisiana in that trying period, we cannot persuade ourselves to withhold. Many of the citizens of Louisiana profess the Catholic religion. It is well known that those of that faith dedicate almost every day in the year to the honor of some holy person, who has, by a life of piety and charity, merited the reputation and title of a saint. This distinction is not confined to sex; and the names of women, as well as men, are placed in the calendar, and claim particular reverence on the day which is consecrated to them. In the city of New Orleans is a convent, in which a number of respectable ladies have dedicated their lives to the practices of piety, to the education of poor children of their own sex, and to works of charity. This pious sisterhood were awakened from their rest, or disturbed in their holy vigils, before the dawn of the 8th of January, by the roar of cannon and volleys of musketry. The calendar, which pointed out the prayers of the day, was hastily opened, and indicated the auspicious name of ST. VICTORIA. They hailed the omen, and, prostrate on the pavement which "holy knees have worn" implored the God of battles to nerve the arm of their protectors, and turn the tide of combat against the invaders of their country.*

* Livingston's Address.

CHAPTER X.

Retrospection—General Jackson appoints a day of thanksgiving—Dr. Dubourg's address to General Jackson—His reply—Generals Coffee, Carroll, and Adair—Their merits—General Jackson still continues to strengthen his measures of defence—Treaty of peace between the United States and England—General Jackson's farewell address to his army.

We have traced General Jackson and his little band of soldiers through scenes, in which they covered themselves with immortal honors. We have seen them arm with alacrity, and stand forth under their intrepid leader, in defence of themselves, their wives, their children, and their country, with the most unyielding firmness of purpose, to maintain the supremacy of their rights and privileges, or perish in the laudable endeavor. We have seen their glorious success—history has recorded it—and it will be proudly remembered long after its brave achievers shall have mingled their dust with the soil they defended.

General Jackson and his little band, although every where received by the acclamations of the grateful and protected Louisianians, did not forget the homage and adoration due to the Ruler of the universe, for the protection that had been extended over their country. He appointed the twenty-third day of January, as a day of thanksgiving and praise. The rites were performed in the cathedral of New Orleans. The scene was solemn and impressive. The commanding general—his companions in glory—the aged, the innocent, the defenceless

ones they had protected, knelt together before the altar of their God.

The Rev. Dr. Dubourg, of the diocess of Louisiana, addressed General Jackson on this occasion, in the following appropriate manner:

"General—While the state of Louisiana, in the joyful transports of her gratitude, hails you as her deliverer, and the asserter of her menaced liberties—while grateful America, so lately wrapped up in anxious suspense, on the fate of this important city, is re-echoing from shore to shore your splendid achievements, and preparing to inscribe your name on her immortal rolls, among those of her Washingtons—while history, poetry, and the monumental arts, will vie, in consigning to the admiration of the latest posterity, a triumph, perhaps, unparalleled in their records—while thus raised by universal acclamation to the very pinnacle of fame, how easy had it been for you, General, to forget the Prime Mover of your wonderful successes, and to assume to yourself a praise which must essentially return to that exalted source, whence every merit is derived. But, better acquainted with the nature of true glory, and justly placing the summit of your ambition, in approving yourself the worthy instrument of Heaven's merciful designs, the first impulse of your religious heart was, to acknowledge the interposition of Providence—your first step, a solemn display of your humble sense of His favors. Still agitated at the remembrance of those dreadful agonies, from which we have been so miraculously rescued, it is our pride to acknowledge, that the Almighty has truly had the principal hand in our deliverance, and to follow you, General, in attributing to His infinite goodness, the homage of our unfeigned gratitude. Let the infatuated votary of a blind chance, deride our credulous simplicity; let the cold-hearted atheist look for the explanation of important events, to the mere con-

catenation of human causes: to us, the whole universe is oud in proclaiming a Supreme Ruler, who, as he holds the hearts of men in his hand, holds also the thread of all contingent occurrences.

"To Him, therefore, our most fervent thanks are due, for our late unexpected rescue. It is Him we intend to praise, when considering you, General, as the man of his right hand, whom he has taken pains to fit out for the important commission of our defence. We extol that fecundity of genius, by which, under the most discouraging distress, you created unforeseen resources—raised, as it were, from the ground, hosts of intrepid warriors, and provided every vulnerable point with ample means of defence. To Him we trace that instinctive superiority of your mind, which at once rallied around you universal confidence; impressed one irresistible movement to all the jarring elements of which this political machine is composed; aroused their slumbering spirits, and diffused through every rank the noble ardor which glowed in your bosom. To Him, in fine, we address our acknowledgments for that consummate prudence, which defeated all the combinations of a sagacious enemy, entangled him in the very snares which he had spread for us, and succeeded in effecting his utter destruction, without exposing the lives of our citizens. Immortal thanks be to his Supreme Majesty, for sending us such an instrument of His bountiful designs! A gift of that value, is the best token of the continuance of His protection—the most solid encouragement, to sue for new favors. The first, which i. emboldens us humbly to supplicate, as nearest our throbbing hearts, is that you may long enjoy the honor of your grateful country; of which you will permit us to present you a pledge, in this wreath of laurel, the prize of victory, the symbol of immortality. The next is a speedy and honorable termination of the bloody contest, in which we

are engaged. No one has so efficaciously labored as you, General, for the acceleration of that blissful period: may we soon reap that sweetest fruit of your splendid and uninterrupted victories."

General Jackson replied: "Reverend Sir—I receive, with gratitude and pleasure, the symbol crown, which piety has prepared. I receive it in the name of the brave men who so effectually seconded my exertions—they well deserve the laurels which their country will bestow.

"For myself, to have been instrumental in the deliverance of such a country, is the greatest blessing that Heaven could confer. That it has been effected with so little loss —that so few tears should cloud the smiles of our triumph, and not a cypress leaf be interwoven in the wreath which you present, is a source of the most exquisite pleasure. I thank you, reverend sir, most sincerely, for the prayers which you offer up for my happiness. May those your patriotism dictates for our beloved country, be first heard: and may mine, for your individual prosperity, as well as that of the congregation committed to your care, be favorably received—the prosperity, wealth, and happiness of this city, will then be commensurate with the courage and other qualities of its inhabitants."

If there is any occasion in which a man may be excused, if he should forget the moderation and humility which only accompanies true merit, it is in the moment of triumph, when a conqueror who has led his countrymen to victory, and saved his country from subjugation, is received by the grateful acclamations of his fellow-citizens on his return. When his way is strewed with flowers by the hands of those whom he has protected from violation; when the "pealing anthem swells the note of praise," and the incense of the altar perfumes the air—at such a time as this, he must have a large share of self-command who is not intoxicated with popular applause,

elevated in his own opinion by the praises he receives, and incline to attribute to himself all the merit of an achievement, in which he had the principal, but not the only share. Yet, on such an occasion, the man who has been represented as the proud ferocious warrior, arrogating all things to himself, regardless of the rights of others, and unmindful of his duty to God or man, when met at the door of the temple by the venerable prelate, who bore witness to the piety with which he had ascribed to the Divine Power the success with which he had been blessed, and presented him with the victor's crown of laurel; when all things combined to raise his opinion of himself, and make him forgetful of what was due to others; he did not place on his own brows the crown that was offered, but modestly received it on behalf of the "brave men," whom he honored with the endearing title of his "brethren in arms," and expressed his chief satisfaction to be that the victory was obtained with so little loss, and that not a cypress leaf was mingled with the chaplet that was presented to him. Now as hypocrisy is not one of those vices with which he has been reproached, we must presume these expressions of piety and humility to be sincere, and they do certainly give a new lustre to his merit.

While General Jackson was receiving the gratulations of his countrymen, his companions in glory were not overlooked. The services of the gallant volunteers of Tennessee, the brave troops from Kentucky and Mississippi, who aided in those times that "tried men's souls," received their due meed of gratitude. Never will their exploits be forgotten by the Louisianians; and the names of Coffee, and Carroll, and Adair, will be ever associated with that of Jackson in their memory.*

General Jackson did not yet deem it expedient to relax

* Livingston's Address.

any of his exertions, to render the country safe. With the assistance of Generals Coffee, Carrol, and Adair, and the troops under their command, he continued to augment the strength of his lines on each bank of the Mississippi. From his uniform language and conduct at this period, it would appear that he supposed the negotiations at Ghent would not terminate amicably. In one of his letters to Mr. Monroe, the secretary of war, he says, "In my own mind, there is but little doubt, that his (the British commander's) last exertions have been made in this quarter, at any rate for the present season; and by the next, I hope we shall be fully prepared for him." In another one he says—"Wherever I command, such a belief (that the enemy would retire) shall never occasion any relaxation in the measures of resistance. I am but too sensible that the moment when the enemy is opposing us, is not the most proper to provide for him."

By the 21th of January, every hostile foot was driven from the soil of Louisiana, and General Lambert and his army were compelled to seek for safety in the fleet of Admiral Cochrane, and even that was compelled to keep at a respectful distance from the shores of the Republic.

Before the 8th February, the British forces had positive and certain intelligence, that a treaty of peace between America and Great Britain, had been signed by the commissioners of the two governments at Ghent. They were aware, however, that it was not binding until ratifications were exchanged.

General Jackson, on the 13th of February, was advised of the ratification of the treaty of peace, by an express from the war department. The following is his farewell address to his troops, on their departure from New Orleans to their respective homes:

"The major general is at length enabled to perform the pleasing task, of restoring to Tennessee, Kentucky,

Louisiana, and the territory of the Mississippi, the brave troops who have acted such a distinguished part, in the war which has just terminated. In restoring these brave men to their homes, much exertion is expected of, and great responsibility imposed on, the commanding officers of the different corps. It is required of Maj. Gens. Carroll and Thomas, and Brig. Gen. Coffee, to march their commands, without unnecessary delay, to their respective states. The troops from the Mississippi territory and state of Louisiana, both militia and volunteers, will be immediately mustered out of service, paid, and discharged.

"The major general has the satisfaction of announcing the approbation of the President of the United States, to the conduct of the troops under his command, expressed in flattering terms, through the honorable the secretary of war. In parting with these brave men, whose destinies have been so long united with his own, and in whose labors and glories it is his happiness and his boast to have participated, the commanding general can neither suppress his feelings, nor give utterance to them as he ought. In what terms can he bestow suitable praise on merit so extraordinary, so unparalleled? Let him, in one burst of joy, gratitude, and exultation, exclaim, These are the saviors of their country—these the patriot soldiers who triumphed over the invincibles of Wellington, and conquered the conquerors of Europe!

"With what patience did you submit to privations—with what fortitude did you endure fatigue—what valor did you display in the day of battle! you have secured to America a proud name among the nations of the earth—a glory which will never perish. Possessing those dispositions, which equally adorn the citizen and the soldier, the expectations of your country will be met in peace, as her wishes have been gratified in war. Go then, my brave companions, to your homes; to those ten-

der connexions, and blissful scenes, which render life so dear—full of honor, and crowned with laurels which will never fade. When participating, in the bosoms of your families, the enjoyment of peaceful life, with what happiness will you not look back to the toils you have borne—to the dangers you have encountered? How will all your past exposures be converted into sources of inexpressible delight? Who, that never experienced your sufferings, will be able to appreciate your joys? The man who slumbered ingloriously at home, during your painful marches, your nights of watchfulness, and your days of toil, will envy you the happiness which these recollections will afford—still more will he envy the gratitude of that country, which you have so eminently contributed to save. Continue, fellow-soldiers, on your passage to your several destinations, to preserve that subordination, that dignified and manly deportment, which have so ennobled your character.

"While the commanding general is thus giving indulgence to his feelings, towards those brave companions who accompanied him through difficulties and danger, he cannot permit the names of Blount, and Shelby, and Holmes, to pass unnoticed. With what generous ardor and patriotism, have these distinguished governors contributed all their exertions; and the success which has resulted, will be to them a reward more grateful than any which the pomp of title, or the splendor of wealth, can bestow.

"What happiness it is to the commanding general, that while danger was before him, he was, on no occasion, compelled to use towards his companions in arms, either severity or rebuke. If after the enemy had retired, improper passions began their empire in a few unworthy bosoms, and rendered a resort to energetic measures necessary for their suppression, he has not confounded the

innocent with the guilty—the seduced with the seducers. Towards you, fellow-soldiers, the most cheering recollections exist, blended, alas! with regret, that disease and war should have ravished from us so many worthy companions. But the memory of the cause in which they perished, and of the virtues which animated them, while living, must occupy the place where sorrow would claim to dwell.

"Farewell, fellow-soldiers. The expression of your general's thanks is feeble, but the gratitude of a country of freemen is yours—yours the applause of an admiring world." 15*

CHAPTER XI.

Recapitulation—Facts relative to the proclamation of martial law—Habeas Corpus—Louallier—Judge Hall —Defence of General Jackson's suspension of the writ of habeas corpus—He is arrested—His reasons showing cause why an attachment for contempt should not be heard against him—Consequences that would result from a strict adherence to the civil code in seasons of peril.

We must now refer our readers to the transactions previous to the period of those related in the preceding chapter. The declaration of martial law, of which we have before remarked, was generally acquiesced in by most of the citizens of New Orleans, while the danger lasted. When it ceased to press them, the darker passions began to work; and those who had ever been unfriendly to the adoption of effective measures for the preservation of the city, evinced their hostility and contempt for the commanding general's regulations and rules for the preservation of the country.

On the 18th of February, Admiral Cochrane had written to General Jackson, that he had received from Jamaica unofficial intelligence of peace. The general received his letter on the 21st, and immediately addressed to him this inquiry, "whether he considered the intelligence as authorizing a cessation of hostilities?" which inquiry was answered in the negative. But with the retreat of the enemy to their ships, the danger appeared to many to be over; and the impatience of military duty which this impression created, was the motive upon which the dis-

affected operated, to create disobedience and mutiny in the general's army. Although in his proclamation, the general had cautioned the citizens "not to be thrown into false alarms by the intelligence of peace," observing, "that even if it were true that a peace had been signed in Europe, it could not put an end to the war, until it should be ratified by the two governments;" although he British, who had been reinforced by a larger body of fresh troops, lay within half a day's sail of New Orleans, by a passage which the batteries at Chef Menteur and Fort Coquilles defended;—yet, one Louallier published a piece in a New Orleans paper, that caused the Louisiana companies, which manned these batteries, to desert, return into the city, and leave it exposed. He was arrested for exciting mutiny and desertion in the camp, and for giving intelligence to the enemy; and to discharge him from arrest, Judge Hall issued his writ of *habeas corpus*. This writ was resisted by General Jackson. For this act he has been severely censured, and with as little liberality and justice as usual. It has been gravely asserted, that he suspended the *habeas corpus*, the charter of our liberties, upon his own individual authority. His defence is complete and triumphant.

It was proved by the testimony of the clerk of the court, before which the process was returnable, that the writ which was granted for the release of Louallier, was actually issued before his arrest, and that the date had been altered by the judge to suit the occasion. This was proof of complicity on his part, that rendered the proceeding more objectionable. But General Jackson declined availing himself of this defect, and met the principle fairly, asserting the necessity of adhering to his plan of defence, and maintaining military power. Nor did he stop to ascertain what statute had conferred on a district judge of the United States, power to issue a pro-

cess, which, touching the liberty of the citizen, and being in its nature the creature of statute, would more properly emanate from the state judiciary. As all other commanders in this Union, on occasions of less necessity, had done, he kept the civil process out of the camp. And would his accusers have had him to yield to the officious judge, and malcontent citizen—to suffer his troops to desert, and his defences to be abandoned, when a superior hostile force, unused to defeat, and intent on "beauty and booty," were hovering within a half day's sail of New Orleans, ready to strike a fatal blow to its liberties whenever a favorable opportunity presented? Was the temporary restraint of Louallier, the momentary suppression of his *cacoethes scribendi*, a greater evil than the permanent conquest of New Orleans? General Jackson's accusers describe the writ of habeas corpus "as the safeguard of individual liberty;" but at the crisis referred to, his power was the safeguard of the liberty of thousands, and individual liberty was not to endanger so great a stake. He who brought it into collision with this great object, acted like a bitter foe to his country, and was no more entitled to respect, than he would have been, had he on the 8th of January interposed his person between the American riflemen and the enemy, and insisted on the former not firing for fear of taking his life. The truth is, the judge, the citizen, the army, and the people, were all embarked in the same vessel and in the same storm. Measures, proper for the defence of all, were by the law of necessity obligatory on all—and the pilot to whose vigorous arm the helm was consigned, would have been guilty of both crime and folly, had he relinquished it merely because land was in sight. This General Jackson would not do, and his patriotic firmness has excited the lasting gratitude of the American people. The sentiments are the reverse of this which the same peo

ple entertain for those who rail at him for serving—for not permitting his sentinels to be *subpœnaed* from their posts, or his men removed by writ of *habeas corpus* from their guns—acts which find ample justification from the circumstances which called them into being. But the civil authority, which from its mal-administration, he was obliged to defend, he propitiated in a manner so signal, as to return it greater strength and sanctity, than the folly of its object and its agent had taken away.

When peace was announced, he was arrested and brought before Judge Hall, to answer for a contempt of court. The judge refused to hear his defence. But as the answer he had prepared to show cause why a writ of attachment for contempt should not issue against him, does honor to his head and heart, and evinces the purity of the motives under which he acted, we apprehend that injustice would be done him, if we should omit the transcription of a part of it; at least and our readers, we imagine, would be also disinclined to pardon the omission.

After stating his objections to the proceedings, on the ground of their illegality, and that the offences charged against him were not cognizable by the court before which he was called to appear—after recurring to the correspondence between him and the governor of Louisiania, previous to and after his arrival in this section of the seventh military district, on which we have remarked in a former chapter, he closed his defence as follows:

"With the impressions this correspondence was calculated to produce, the respondent arrived in this city, where, in different conversations, the same ideas were enforced, and he was advised not only by the governor of he state, but very many influential persons, to proclaim MARTIAL LAW, as the only means of producing union, overcoming disaffection, detecting treason, and calling forth the energies of the country. This measure was

discussed and recommended to the respondent, as he well recollects, in the presence of the judge of this honorable court, who not only made no objection, but seemed, by his gestures and silence, to approve of its being adopted. These opinions, respectable in themselves, derived greater weight from that which the governor expressed of the legislature then in session. He represented their fidelity as very doubtful; ascribed design to their prolonged session, and appeared extremely desirous that they should adjourn.

"The respondent had also been informed, that in the house of representatives, the idea, that a very considerable part of the state belonged to the Spanish government, and ought not to be represented, had been openly advocated, and favorably heard. The co-operation of the Spaniards with the English, was, at that time, a prevalent idea. This information, therefore, appeared highly important. He determined to examine, with the utmost care, all the facts that had been communicated to him; and not to act upon the advice he had received, until the clearest demonstration should have determined its propriety. He was then almost an entire stranger, in the place he was sent to defend, and unacquainted with the language of a majority of its inhabitants. While these circumstances were unfavorable to his obtaining information, on the one hand, they precluded, on the other, a suspicion that his measures were dictated by personal friendship, private animosity, or party views. Uninfluenced by such motives, he began his observations. He sought for information, and, to obtain it, communicated with men of every description. He believed that even then he discovered those high qualities, which have since distinguished those brave defenders of their country; that the variety of language, the difference of habit, and even the national prejudices, which seemed to divide the inha-

bitants, might be made, if properly directed, the source of the most honorable emulation. Delicate attentions were necessary to foster this disposition; and the highest energy, to restrain the effects, that such an assemblage was calculated to produce; he determined to avail himself of both, and with this view called to his aid the impulse of national feeling, the higher motives of patriotic sentiment, and the noble enthusiasm of valor. They operated in a manner which history will record; all who could be influenced by those feelings, rallied without delay round the standard of their country. Their efforts, however, would have been unavailing, if the disaffected had been permitted to counteract them by their treason, and the timid to paralyze them by their example, and both to stand aloof in the hour of danger, and enjoy the fruit of victory without participating in the danger of defeat.

"A disciplined and powerful army was on our coast, commanded by officers of tried valor and consummate skill; their fleet had already destroyed the feeble defence, on which, alone, we could rely to prevent their landing on our shores. Their point of attack was uncertain; a hundred inlets were to be guarded, by a force not sufficient in number for one; we had no lines of defence; treason lurked among us, and only waited the moment of expected defeat, to show itself openly; our men were few, and of those few, not all were armed; our prospect of aid and supply was distant and uncertain; our utter ruin, if we failed, at hand, and inevitable; every thing depended on the prompt and energetic use of the means we possessed—on calling the whole force of the community into action; it was a contest for the very existence of the state, and every nerve was to be strained in its defence. The physical force of every individual, his moral faculties, his property, and the energy of his example, were to be called into action, and instant action. No delay—no

hesitation—no inquiry about rights, or *all* was lost; and every thing dear to man, his property, life, the honor of his family, his country, its constitution and laws, were swept away by the avowed principles, the open practice of the enemy with whom we had to contend. Fortifications were to be erected, supplies procured, arms sought for, requisitions made, the emissaries of the enemy watched, lurking treason overawed, insubordination punished, and the contagion of cowardly example to be stopped.

"In this crisis, and under a firm persuasion that none of those objects could be effected by the exercise of the ordinary powers confided to him—under a solemn conviction that the country committed to his care could be saved by that measure only, from utter ruin—under a religious belief, that he was performing the most important and sacred duty, the respondent proclaimed martial law. He intended by that measure, to supersede such civil powers as, in their operation, interfered with those he was obliged to exercise. He thought, in such a moment, constitutional forms must be suspended, for the permanent preservation of constitutional rights, and that there could be no question, whether it were best to depart for a moment from the enjoyment of our dearest privileges, or have them *wrested* from us forever. He knew, that if the civil magistrates were permitted to exercise their usual functions, none of the measures necessary to avert the awful fate that threatened us, could be expected. Personal liberty cannot exist at a time when every man is required to become a soldier. Private property cannot be secured when its use is indispensable to the public safety. Unlimited liberty of speech is incompatible with the discipline of a camp; and that of the press more dangerous still, when made the vehicle of conveying intelligence to the enemy, or exciting mutiny among the troops. To have suffered the uncontrolled enjoyment of any of those rights,

during the time of the late invasion, would have been to abandon the defence of the country: the civil magistrate is the guardian of those rights; and the proclamation of martial law was, therefore, intended to supersede the exercise of his authority, so far as it interfered with the necessary restriction of those rights—*but no further.*

"The respondent states these principles explicitly, because they are the basis of his defence, and because a mistaken notion has been circulated that the declaration of martial law only subjected the militia in service to its operation. This would, indeed have been a very useless ceremony, as such persons were already subject to it, without the addition of any other act. Besides, if the proclamation of martial law were a measure of necessity,—a measure, without the exercise of which the country must unquestionably have been conquered, then does it form a complete justification for the act. If it do not, in what manner will the proceeding by attachment for contempt be justified? It is undoubtedly and strictly a criminal prosecution; and the constitution declares, that, in all criminal prosecutions, the accused shall have the benefit of a trial by jury; yet a prosecution is even now going on in this court, where no such benefit is allowed. Why? From the alledged necessity of the case, because courts could not, it is said, subsist without a power to punish promptly by their own act, and without the intervention of a jury. Necessity then, may, in some cases, justify a departure from the constitution: and if in the doubtful case of avoiding confusion in a court, shall it be denied in the serious one of preserving a country from conquest and ruin? The respondent begs leave to explain, that in using this argument, he does not mean to admit the existence of necessity in the case of attachment; but to show that the principle of a justification from necessity is admitted, even in the weaker case. If the legislature

of the United States have given to courts the power to punish contempts, it is no answer to this defence, for two reasons: first, because the words of the law do not necessarily exclude the intervention of a jury; and, secondly, if they do, the law itself is contrary to the words of the constitution, and can only be supported on the plea of necessity; to which head it is referred by the English writers on the subject.

"The only responsibility which has been incurred in the present case, is that which arises from necessity. This, the respondent agrees, must not be doubtful; it must be apparent, from the circumstances of the case, or it forms no justification. He submits all his acts, therefore, to be tested by this rule.

"To the forcible reasons which he has detailed, as impelling him to this measure, he ought to add, that he has since, by the confession of the enemy himself, received a confirmation of the opinions, which he had then good reason to believe; that there were men among us so depraved as to give daily and exact information of our movements, and our forces; that the number of those persons was considerable, and their activity unceasing. The names of those wretches will probably be discovered; and the respondent persuades himself, that this tribunal will employ itself, with greater satisfaction, in inflicting the punishment due to their crimes, than it now does in investigating the measures that were taken to counteract them.

"If example can justify, or the practice of others serve as a proof of necessity, the respondent has ample materials for his defence: not from analogous construction, but from the conduct of all the different departments of the state government, in the very case now under discussion.

"The legislature of the state, having no constitutional power to regulate or restrain commerce, on the —— day

of December last, passed an act laying an embargo: the executive sanctioned it; and from a conviction of its necessity, it was acquiesced in. The same legislature shut up the courts of justice for four months, to all civil suitors —the same executive sanctioned that law, and the judiciary not only acquiesced, but solemnly approved it.

"The governor, as appears by one of the letters quoted, undertook to inflict the punishment of exile upon an inhabitant, without any form of law, merely because he thought that an individual's presence might be dangerous to the public safety.

"The judge of this very court, duly impressed with the emergency of the moment, and the necessity of employing every means of defence, consented to the discharge of men committed and indicted for capital crimes, without bail, and without recognizance; and probably under an impression that the exercise of his functions would be useless, absented himself from the place where his court was to be holden, and postponed its session during a regular term.

"Thus the conduct of the legislative, executive, and judiciary branches of the government of this state, have borne the fullest testimony of the existence of the necessity on which the respondent relies.

"The unqualified approbation of the legislature of the United States, and such of the individual states as were in session, ought also to be admitted, as no slight means of defence; inasmuch as all these respectable bodies were fully apprised of his proclamation of martial law, and some of them seem to refer to it, by thanking him for the energy of his measures.

"The respondent, therefore, believes he has established the necessity of proclaiming martial law. He has shown the effects of that declaration; and it only remains to prove, in answer to the rule, that the power assumed from

necessity, was not abused in its exercise, nor improperly protracted in its duration.

"All the acts mentioned in the rule, took place after the enemy had retired from the position they had at first assumed, after they had met with a signal defeat, and after an unofficial account had been received of the signature of a treaty of peace. Each of these circumstances might be, to one who did not see the whole ground, a sufficient reason for supposing that further acts of energy and vigor were unnecessary. On the mind of the respondent they had a different effect. The enemy had retired from their position, it is true; but they were still on the coast, and within a few hours sail of the city. They had been defeated, and with a loss; but the loss was to be repaired by expected reinforcements. Their numbers still much more than quadrupled all the regular forces which the respondent could command; and the term of service of his most efficient militia force was about to expire. Defeat, to a powerful and active enemy, was more likely to operate as an incentive to renewed and increased exertion, than to inspire them with despondency, or to paralyze their efforts. A treaty, it is true, had been probably signed; yet it might not be ratified. Its contents had not transpired, and no reasonable conjecture could be formed, that it would be acceptable. The influence which the account of its signature had on the army, was deleterious in the extreme, and showed a necessity for increased energy, instead of a relaxation of discipline. Men, who had shown themselves zealous in the preceding part of the campaign, now became lukewarm in the service. Those whom no danger could appal, and no labor discourage, complained of the hardships of the camp. When the enemy were no longer immediately before them, they thought themselves oppressed, by being detained in service. Wicked and weak men, who, from their situation

in life, ought to have furnished a better example, secretly encouraged this spirit of insubordination. They affected to pity the hardships of those who were kept in the field; they fomented discontent, by insinuating that the merits of those to whom they addressed themselves, had not been sufficiently noticed or applauded; and to so high a degree had the disorder at length risen, that at one period, only fifteen men and one officer, out of a whole regiment, stationed to guard the very avenue through which the enemy had penetrated into the country, were found at their post. At another point equally important, a whole corps, on which the greatest reliance had been placed, operated upon by the acts of a foreign agent, suddenly deserted their post.

"If trusting to an uncertain peace, the respondent had revoked his proclamation, or ceased to act under it, the fatal security, by which we were lulled, might have destroyed all discipline, have dissolved all his force, and left him without any means of defending the country against an enemy, instructed, by the traitors within our own bosom, of the time and place at which he might safely make his attack. In such an event, his life might have been offered up, yet it would have been but a feeble expiation, for the disgrace and misery, into which, by his criminal negligence, he had permitted the country to be plunged.

"He thought peace a probable, but by no means a certain event. If it had really taken place, a few days must bring the official advice of it; and he believed it better to submit, during those few days, to the salutary restraints imposed, than to put every thing dear to ourselves and country at risk, upon an uncertain contingency. Admit the chances to have been a hundred or a thousand to one in favor of the ratification, and against any renewed attempts of the enemy, what should we say or think of the

prudence of the man, who would stake his life, his fortune, his country, and his honor, even with such odds in his favor, against a few days' anticipated enjoyment of the blessings of peace? The respondent could not bring himself to play so deep a hazard; uninfluenced by the clamors of the ignorant and designing, he continued the exercise of that law which necessity had compelled him to proclaim; and he still thinks himself justified, by the situation of affairs, for the course which he adopted and pursued. Has he exercised this power wantonly or improperly? If so, he is liable; not, as he believes, to this honorable court for contempt, but to his government for an abuse of power, and to those individuals whom he has injured, in damages proportioned to that injury.

"About the period last described, the consul of France, who appears, by Governor Claiborne's letter, to have embarrassed the first drafts, by his claims in favor of pretended subjects of his king, renewed his interference; his certificates were given to men in the ranks of the army; to some who had never applied, and to others who wished to use them as the means of obtaining an inglorious exemption from danger and fatigue. The immunity derived from these certificates not only thinned the ranks, by the withdrawal of those to whom they were given, but produced the desertion of others, who thought themselves equally entitled to the privilege; and to this cause must be traced the abandonment of the important post of Chef Menteur, and the temporary refusal of a relief ordered to occupy it.

"Under these circumstances, to remove the force of an example which had already occasioned such dangerous consequences, and to punish those who were so unwilling to defend what they were so ready to enjoy, the respondent issued a general order, directing those French subjects who had availed themselves of the consul's certificates, to

remove out of the lines of defence, and far enough to avoid any temptation of intercourse with our enemy, whom they were so scrupulous of opposing. This measure was resorted to, as the mildest mode of proceeding against a dangerous and increasing evil; and the respondent had the less scruple of his power, in this instance, as it was not quite so strong as that which Governor Claiborne had exercised, before the invasion, by the advice of his attorney general, in the case of Colonel Coliel.

"It created, however, some sensation—discontents were again fomented, from the source that had first produced them. Aliens and strangers became the most violent advocates of constitutional rights, and native Americans were taught the value of their privileges, by those who formerly disavowed any title to their enjoyment. The order was particularly opposed, in an anonymous publication. In this, the author deliberately and wickedly misrepresented the order, as subjecting to removal, all Frenchmen whatever, even those who had gloriously fought in defence of the country: and after many dangerous and unwarrantable declarations, he closes, by calling upon all Frenchmen to flock to the standard of their consul—thus advising and producing an act of mutiny and insubordination, and publishing the evidence of our weakness and discord to the enemy, who were still in our vicinity, anxious, no doubt, before the cessation of hostilities, to wipe away the late stain upon their arms. To have silently looked on such an offence, without making any attempt to punish it, would have been formal surrender of all discipline, all order, all personal dignity, and public safety. This could not be done; and the respondent immediately ordered the arrest of the offender. A writ of habeas corpus was directed to issue for his enlargement. The very case which had been foreseen, the very contingency on which martial law was intended to

operate, had now occurred: the civil magistrate seemed to think it his duty to enforce the enjoyment of civil rights, although the consequences which have been described would probably have resulted. An unbending sense of what he seemed to think his station required, induced him to order the liberation of the prisoner. This, under the respondent's sense of duty, produced a conflict which it was his wish to avoid.

No other course remained, than to enforce the principles which he had laid down as his guide, and to suspend the exercise of this judicial power, wherever it interfered with the necessary means of defence. The only way effectually to do this, was to place the judge in a situation in which his interference could not counteract the measures of defence, or give countenance to the mutinous disposition that had shown itself in so alarming a degree. Merely to have disregarded the writ, would but have increased the evil; and to have obeyed it, was wholly repugnant to the respondent's ideas of the public safety, and to his own sense of duty. The judge was therefore confined, and removed beyond the lines of defence.

"As to the paper mentioned in the rule, which the respondent is charged with taking and detaining, he answers, that when the writ was produced by the clerk of this honorable court, the date of its issuance appeared to have been altered from the 5th to the 6th. He was questioned respecting the apparent alteration, and acknowledged it had been done by Judge Hall, and not in the presence of the party who made the affidavit. This material alteration, in a paper that concerned him, gave the respondent, as he thought, a right to detain it for further investigation, which he accordingly did; but gave a certified copy, and an acknowledgment that the original was in his possession.

"The respondent avows. that he considered this altera

tion in the date of the affidavit, as it was then explained to him by the clerk, to be such evidence of a personal, not judicial, interference, and activity, in behalf of a man charged with the most serious offence, as justified the idea then formed, that the judge approved his conduct, and supported his attempts to excite disaffection among the troops.

"This was the conduct of the respondent, and these the motives which prompted it. They have been fairly and openly exposed to this tribunal, and to the world, and would not have been accompanied by any exception or waiver of jurisdiction, if it had been deemed expedient to give him that species of trial, to which he thinks himself entitled, by the constitution of his country. The powers which the exigency of the times forced him to assume, have been exercised exclusively for the public good; and by the blessing of God, they have been attended with unparalleled success. They have saved the country; and whatever may be the opinion of that country, or the decrees of its courts, in relation to the means he has used, he can never regret that he employed them."

This defence requires no comment. At a subsequent day he attended to receive sentence, and when the judge, trembling at the murmurs of the indignant crowd, hesitated to pronounce it, "Fear not," said the illustrious prisoner, waving the multitude to silence with his hand—"fear not, your honor; the same arm which repelled the invasion of the enemy, shall protect the deliberations of this court." The sublime humility of the patriot general did not end here. The ladies of New Orleans, whose persons had been saved from terror and pollution, not by the *habeas corpus*, but by his valor, contributed a fund to discharge the fine. But they found he had anticipated them—had paid one thousand dollars out of his small fortune, the whole of which he had pledged to the bank of New Orleans, to raise money for its defence, and

when their gratitude would force the contribution upon him, he preserved his independence, and displayed his humanity, by requesting that the money should be applied to the relief of the widows and orphans of the brave citizens who had fallen in the campaign.

Could Washington himself have have shown greater respect to the laws, or greater fidelity to the country? It has been said that Washington never refused to comply with the civil process. But he was a dictator, and who ever dared to oppose the civil process against his power? Did he not execute deserters without even a military trial? Did he not punish mutineers by decimation and instant death? Did he not forage in New Jersey as in an enemy's country—in each case on the ground of *necessity?* He did, and his conscience and his country both approved him: while General Jackson, acting with less rigor, under equal necessity, is denounced as "the agent of illegal enormities."

General Jackson retired from the court; and, in spite of his exertions, he was borne in triumph through the streets to his lodgings by the grateful citizens. He seized the first interval, which the expression of their applause would permit, to address them. He told them, that two great lessons might be learned from the events which had happened since he had been among them. The first was, however inadequate might be the apparent means, never to despair of their country; never to refuse any sacrifice that might be necessary for its preservation; and when ever the danger was past, to submit cheerfully to the ope ration of the laws, even when they punished acts which were done to preserve them. That, for his own part, he knew that what he had done could only be justified by necessity; and to prevent that necessity from becoming the pretext for oppression, it was perhaps right that he who resorted to it should undergo the penalty of the law,

and find his indemnity in the approbation of his own conscience, and the evidence that his acts were done only to serve his country.

Thus ended this memorable trial, and it is a subject of regret that many of his countrymen are still to be found, who condemn General Jackson for the measures he adopted from the dictation of the sternest necessity, for raising the reputation of his country, and defending one of its fairest cities from the horrors of assault, by a victory as splendid as any recorded in history. There are many yet, who depreciate the consequences of this victory; who would tear from the brows of the brave men who gained it, the laurels which their courage and patriotism have won; who would blot the bright page of our history in which the achievement is recorded, and would persuade the people of the United States that in saving a populous city from plunder, the wives and daughters of its inhabitants from violation, its churches from being profaned, and a whole state from the humiliation of conquest, the brave men who effected it, and the leader by whose courage, energy, and skill, they were animated and directed, had done nothing to deserve the gratitude of their country; and that the United States had gained neither honor nor advantage from a victory that will preserve the name of the chief who obtained it, ages after those of his detractors shall cease to be remembered.

Nor is it enough to snatch from him the honors he has already won—the means of acquiring them in future must be destroyed—every power exercised by a commander in defence of his country, must be called an offence—every act of discipline must be considered a violation of personal liberty—mutiny, desertion, insubordination of every kind, must be punished at the hazard of being proclaimed a *tyrant* and *murderer*. The wretch, who, when called upon to defend his country in the hour

of extreme danger, meanly abandons his post, and sets the authority of his officer at defiance—the three times pardoned deserter—the instigator and associate of the savage, who butchers unprotected women and children—the savage, himself who executes this work of destruction—are held up to public commiseration as suffering martyrs, because they were made to pay the penalty of their crimes. If these objections are to have effect, and be considered valid, where is the commander, who will dare to enforce discipline, or exercise any powers necessary for the defence of his country: for where is there one that may not be called an invasion of civil rights? If he encamp his army on the highway, it obstructs its free use; if he turn aside into a neighboring field, it is trespass; if he burn a house to save a retreat, it is arson; if he seizes provisions to feed his famishing troops, it is robbery; if he punish a deserter, it is murder; if he prevent judges and lawyers and sheriffs from taking his sentinels from their posts, by writs of habeas corpus, it is a violation of constitutional right; and if he will not suffer a printer, in a besieged town, to publish intelligence to the enemy, and excite disobedience in his camp, it violates the sacred liberty of the press! The only mode for those who hold this doctrine, is to contrive some means by which they may clear the country of an invading enemy, by a writ of forcible entry, and make him give up his post by an ejectment. The censures of General Jackson on this ground, are too absurd even for ridicule, and show that the authors of them despise the understanding of those to whom they are addressed.

This authentic detail, we think, cannot fail of convincing our readers, that, in the prosecution of this glorious campaign in Louisiana, the commanding general united prudence to energy—humanity to the highest exertion of courage—a creative genius to provide resources, with

wisdom in their employment—courtesy with dignity, in his intercourse with the enemy to whom he was opposed; —that, in the moment of triumph and success, his religion attributed them to the interposition of Heaven as the great cause, and his modesty and justice acknowledged his brave companions in arms as the means by which they were attained;—and that he cheerfully submitted to the laws of his country, when their operation punished him for acts by which those laws and the constitution were preserved.*

* Livingston's Address.

CHAPTER XII.

General Jackson returns to Nashville—Receives the congratulations of his countrymen—He is appointed commander-in-chief of the southern military division of the United States—Vote of thanks to him, from the Tennessee legislature—Repairs to Washington—Receives the congratulations of the citizens of Lynchburg at a public dinner—Returns to Nashville—Proceeds from thence to New Orleans—Grateful reception from the inhabitants—He concludes a treaty with the Indians—Issues a general order—Defence of it.

General Jackson bade adieu to the grateful citizens of New Orleans, and commenced his journey to Nashville. During his journey, he was received in all the places through which he passed, with every demonstration of regard, and greeted as one who had done the most signal services for his countrymen, in protecting them from the horrors of foreign invasion. He arrived at Nashville on the 18th of May, 1815, and was received with very flattering indications of respect by his fellow-citizens.

The disbanding of the army, after the declaration of peace, took place. Ten thousand troops were all that constituted the standing army of the United States, which consisted of two divisions, the northern and southern. General Jackson was appointed commander-in-chief of the southern division. His appointment to this command was received with universal approbation. His ability to command had been proved, by his numerous successes

over the most warlike nation of savages, and the best appointed armies in the world, under the most disadvantageous circumstances.

He established his head-quarters at Nashville, where he continued to receive the flattering indications of the gratitude of his countrymen. From various legislatures he received votes of thanks, expressing, in appropriate terms, their approbation of his services. The legislature of Tennessee were among the first to manifest their regard for the character and achievements of General Jackson. They passed a vote of thanks, and presented him with a gold medal. They also presented elegant swords to Generals Coffee and Carroll, his gallant associates. Toward the close of the autumn of 1815, he repaired to the seat of government. On his journey thither, he was received with those acclamations, which a grateful people ever bestow upon a distinguished benefactor. Although in time of war, he avoided all parade and ceremonies inconsistent with the demands of duty; yet he felt no disinclination, at this period, to a compliance with the wishes of his countrymen, to mingle with them at the convivial board, and reciprocate their civility and hospitality.

A public dinner was given him at Lynchburg, in Virginia, at which THOMAS JEFFERSON, the sage of Monticello, was present. The hilarity and good feeling exhibited on this occasion, was indicative of the high estimation in which these two distinguished patriots were held by their countrymen. It was on this occasion that Mr. Jefferson gave his celebrated toast, "HONOR AND GRATITUDE TO THE MAN WHO HAS FILLED THE MEASURE OF HIS COUNTRY'S GLORY." On his arrival at Washington, he was received with much cordial affability by the president, and the heads of the several departments of government.

After a short sojourn in Washington, he returned again to Nashville.

In the spring of 1816, General Jackson repaired to New Orleans, the scene of his brilliant military operations. Nothing could exceed the joy of the inhabitants, on receiving again into their city the distinguished protector of their dearest rights from carnage and violation. After the mutual congratulations of their meeting were past, he reviewed the troops at that station, and finding them unhealthy, resolved to have them removed to the Alabama territory, which was soon after effected.

The most exposed part of the southern division, was that which bordered on the Spanish provinces of Florida, which was inhabited by the Alabama and Seminole Indians. General Jackson was aware that the stationing of American troops upon their borders, would tend to restrain their barbarity; and their aggressions could be more promptly punished. Subsequent events showed the wisdom of this measure.

After regulating and stationing the army in the south ern section of his division, General Jackson, inaccordance with previous instructions, entered into negotiations with the Chickasaw, Choctaw, Cherokee, and Creek nations. The object of the negotiation, was to obtain from them the absolute relinquishment of all the claim they pretended to have to lands within the limits of the United States, and which had previously been ceded by them. This measure evinced the moderation of the American government toward the natives. Although the territory had before been obtained, first by conquest, after a sanguinary war, occasioned by the savages themselves, and afterwards by treaty with them, by which they acknowledged their gratitude to the government for permitting them to retain any territory, yet, to pacify them completely, for the diminution of their limits, and to extin-

guish their title, General Jackson concluded a treaty with them, the particulars of which are well known to the public.

This important measure accomplished, he repaired to Huntsville, in the state of Mississippi, and published an order which was sanctioned by the government, by which all citizens of the United States, were enjoined to abstain from all encroachments upon Indian lands, and ordered such as had, to be removed in a limited number of days.

In October, 1816, he returned to his head-quarters at Nashville. In the spring of 1817, he issued the following general order to his division:

"The commanding general considers it due to the principles of subordination, which ought, and must exist in an army, to prohibit the obedience of any order emanating from the department of war, to officers of this division, who have reported and been assigned to duty, unless coming through him, as the proper organ of communication. The object of this order, is to prevent the recurrence of a circumstance, which removed an important officer from the division without the knowledge of the commanding general, and indeed, when he supposed that officer engaged in his official duties, and anticipated hourly the receipt of his official reports, on a subject of great importance to his command; also to prevent the topographical reports from being made public through the medium of the newspapers, as was done in the case alluded to, thereby enabling the enemy to obtain the benefit of all our topographical researches, as soon as the general commanding, who is responsible for the division. Superior officers, having commands assigned them, are held responsible to the government, for the character and conduct of that command; and it might as well be justified in an officer, senior in command, to give orders to a guard on duty, without passing that order through the

officer of that guard, as that the department of war should countermand the arrangements of commanding generals, without giving their order through the proper channel. To acquiesce in such a course, would be a tame surrender of military rights and etiquette; and at once subvert the established principles of subordination and good order. Obedience to the lawful commands of superior officers, is constitutionally and morally required: but there is a chain of communication that binds the military compact, which, if broken, opens the door to disobedience and disrespect, and gives loose to the turbulent spirits, who are ever ready to excite mutiny. All physicians, able to perform duty, who are absent on furlough, will forthwith repair to their respective posts. Commanding officers of regiments and corps, are ordered to report specially all officers absent from duty, and their cause of absence."

For issuing this general order, General Jackson has received much severe animadversion. The circumstances explaining and justifying this measure, are the following: While General Jackson was in the service of the United States, it occurred several times, and at seasons of the greatest pressure, that officers to whom he had assigned important duties, were silently withdrawn from their posts by orders from some subaltern in the line, stationed as a deputy in the adjutant and inspector general's office at Washington. On the 1st of October, 1814, for example, just a fortnight after the first attack on Fort Bowyer, and while the whole British armament was hovering between Mobile and New Orleans, an order was issued from the war department, signed John R. Bell, deputy inspector general, directing Colonel Sparks, and the officers of the second regiment, including the gallant Major Lawrence, to proceed forthwith on the recruiting service! This order was received while Gene-

ral Jackson was effecting the timely expulsion of the British from Pensacola, and had left Mobile in the charge of Colonel Sparks, and Fort Bowyer in that of Major Lawrence. With commendable prudence, these officers declined obedience, and remained at their posts. General Jackson complained of it to the government, pointed out the serious consequences that might have been produced by it, and suggested the propriety of communicating, in future, all orders to his subordinates through him, inasmuch as his capacity to defend the extensive and defenceless line of territory committed to his charge, would be destroyed, if the officers on whose vigilance and exertions he depended, were removed from their stations without his knowledge.

This representation received no effectual attention from the government, and the anomalous practice it condemned continued at intervals to prevail. A forcible instance occurred in the person of Major Long, who, having reported himself under a regular order to General Jackson for duty, was directed by him to the upper Mississippi, for the purpose of sketching the topography of a district in that quarter, upon which a contest with the Indians was then apprehended. The next thing the general heard of his engineer, was, while he was anxiously expecting his report, (through a newspaper in New York,) that the major had sometime since established himself in that city, in obedience to an order from the war department.

On the 4th March, 1817, General Jackson appealed to Mr. Monroe (the president) on the subject, reiterated his former reasons against the irregularity, and deprecated with much earnestness its prevalence in his division, when no emergencies of war existed to require it, and when his head-quarters were at Nashville, a point of convenient distribution for orders directed by mail to the various military stations in the south and west. This com-

munication, like the former, proving ineffectual, and determined no longer to have more responsibility than power, he took measures to bring the subject before the government, in a way that would admit of no further neglect.

On the 22d of April, he issued the general order which has been presented to our readers, forbidding the officers of his division to obey any order from the war department, which did not pass through the office of his adjutant general. About two months after this, the president still declining any decision on the matter, and suffering it to fester by delay, an order was issued from the war department, to General Ripley, then in command at New Orleans; which, in compliance with General Jackson's general order, he did not obey. Finding one of his officers involved in difficulty by an act of military subordination and fidelity, General Jackson immediately assumed an attitude which none but a martinet can fail to admire. In a letter to the president, of the 12th August, 1817, he referred to his former communications on this subject, and to the cases which had produced them—repeated the substance of his general order, and stated the dilemma of General Ripley, and with his characteristic spirit and honor, thus relieved him from all responsibility: "This has given rise to proper disobedience of General Ripley, to the order of the department of war above alluded to, for which I hold myself responsible." He adds, "In the view I took of this subject on the fourth of March, I had flattered myself you would coincide, and had hoped to receive your answer before a recurrence of a similar infringement of military rule rendered it necessary for me to call your attention thereto. None are infallible in their opinions, but it is nevertheless necessary, that all should act agreeably to their convictions of right. My convictions in favor of the course I have pursued are

strong, and, should it become necessary, I will willingly meet a fair investigation before a military tribunal. The good of the service, and the dignity of the commission I hold, alone actuate me. My wishes for retirement have already been made known to you; but, under existing circumstances, my duty to the officers of my division forbids it, until this subject is fairly understood." The final decision, when it came, was, that orders to inferiors should pass through the commanding officer of the division, always thereafter, *unless in case of necessity;* thus admitting a principle contended for by General Jackson, and terminating a practice, which, under the aspect of legal authority, was subversive of discipline, injurious to service, and repugnant to justice.

It is true that by the constitution, the president is commander-in-chief of the army, and that, by a custom almost equivalent to law, the orders of the secretary are considered the orders of the president, and that, among the illegitimate descendants of this custom, was the practice of confiding the power of the department to lieutenants of the line, whose enormous deviations from propriety, as in the order to Colonel Sparks, brought it into question and disrepute. But the president is commander-in-chief, only in the same sense in which the general is commander of his division, and has no stronger claim to the obedience of the general, than the latter has to the obedience of the colonel; and his orders, whether issued under his sign manual, or through the secretary of war, or the imposing instrumentality of a subaltern, are to be restrained by the laws of congress and the principles of the constitution. No man will contend, that his authority in the army is absolute—that he can of his own accord inflict capital punishment on a soldier—can make a lieutenant command a captain—a colonel a general, or exact duty from either without allowing him his proper rank. Now

the essence of rank consists in the superiority of command, which it confers; and any order of the president making an inferior disobey the orders of his superior, is a derogation of the rank of that superior, and produces a disorder, the removal of which necessarily exposes to disturbance, in a similar and equivalent degree, the authority of the president over the superior.

The order to Colonel Sparks required a direct and violent disobedience to General Jackson's command, as that to Major Long effected it. To have rendered these orders entirely legal and expedient, they should have been communicated through the commanding general. They would then have preserved the just equality between responsibility and power, which the nature of delegated authority requires. And instead of causing one act of obedience, and one of disobedience, they would have produced two acts of perfect obedience, through agents related in due subordination to each other. The course pursued by the government, moreover, involved the signal injustice of fixing *publicly* the proportion of General Jackson's power and responsibility, upon which proportion, it must be presumed, he consented to assume the latter; and then *privately*, and without his knowledge, reducing the former below that proportion, by a proceeding much in the nature of an *ex post facto* law. The silence and hesitation persevered in, respecting his remonstrances, while they tended to produce an impression that the reasons he advanced were not disapproved, created a strong demand for the decisive measures he adopted, and the fact which is but too apparent that the irregularity he complained of, was calculated, if continued, to disappoint the department, as well as the general, as it might be retorted by the latter in various perplexing ways, furnishes another strong objection to it. Its only excuse is a complete justification of it, where it can be

shown, and a marked condemnation of it, where it cannot be shown; viz. *necessity*. To this fair adjustment and full redress, General Jackson brought this abuse in the service, and for the spirit and judgment he displayed on that occasion alone, he deserves the gratitude of the army, and the respect of his fellow-citizens.

CHAPTER XIII.

Causes that led to the Seminole war—General Jackson invades Florida—Is censured for it—Defence of the measure—His letter to the governor of Georgia—Detail of the causes which elicited it—Destruction of the Chehaw village, and its consequences.

Our readers will recollect that in the month of August, 1814, while a war existed between the United States and Great Britain, to which Spain had formally declared herself neutral, a British force, not in the fresh pursuit of a defeated and flying enemy, not overstepping an imaginary and equivocal boundary between their own territories, and those belonging, in some sort, as much to their enemy as to Spain; but approaching by sea, and by a broad and open *invasion* of the Spanish province, at a thousand miles, or an ocean's distance from *any* British territory, landed in Florida, took possession of Pensacola, and the fort of Barrancas, and invited by public proclamations all the runaway negroes, all the savage Indians, all the pirates, and all the traitors to their country, whom they knew, or imagined to exist, within reach of their summons, to join their standard, and wage an exterminating war against the portion of the United States, immediately bordering upon this neutral, and thus violated territory of Spain. The land commander of this British force, it will be recollected, was the famous Colonel Nicholl, of proclamation memory, who, driven from Pensacola by the approach of General Jackson, actually left, to be blown up, the Spanish fort of Barrancas, when he

bund it could not afford him protection; and evacuating hat part of the province, landed at another, established himself on the Apalachicola river, and there erected a fort, from which to sally forth with his motley tribe of black, white, and red combatants, against the defenceless borders of the United States, in that vicinity. A part of this force consisted of a corps of colonial marines, levied in the British colonies, in which George Woodbine was a captain, and Robert Christie Ambrister was a lieutenant.

As between the United States and Great Britain, this transaction would have been buried in the same grave of oblivion, with other transactions of that war, had the hostilities of Colonel Nicholl terminated with the war. But he did not consider the peace which ensued between the United States and Great Britain, as having put an end, either to his military occupations, or to his negotiations with the Indians against the United States. Several months after the ratification of the treaty of Ghent, he retained his post, and his party-colored forces, in military array. By the ninth article of that treaty, the United States had stipulated to put an end, immediately after its ratification, to hostilities with all the tribes or nations of Indians, with whom they might be at war at the time of the ratification, and to restore to them all the possessions which they had enjoyed in the year 1811. This article had no application to the Creek Nation, with whom the United States had already made peace, by a treaty concluded on the ninth day of August, 1814, more than four months before the treaty of Ghent was signed. Yet Colonel Nicholl not only affected to consider it as applying to the Seminoles of Florida, and the outlawed Red Sticks, whom he had induced to join him there, but actually persuaded them that *they* were entitled, by virtue of the treaty of Ghent, to all the lands which had belonged to the

Creek nation, within the United States, in the year 1811, and that the government of Great Britain would support them in that pretension. He asserted also this doctrine in a correspondence with Colonel Hawkins, then the agent of the United States with the Creeks, and gave him notice in their name, with a mockery of solemnity, that they had concluded a treaty of alliance, offensive and defensive, and a treaty of navigation and commerce, with Great Britain, of which more was to be heard after it should be ratified in England. Colonel Nicholl then evacuated his fort, and took with him the white portion of his force, and embarked for England with several of the wretched savages, whom he was thus deluding to their fate, among whom was the prophet Francis or Hillis Hadjo, and left the fort, amply supplied with military stores and ammunition, to the negro department of his allies. It afterwards was known by the name of the Negro Fort.

Colonel Hawkins immediately communicated to our government the correspondence between him and Nicholl, upon which, Mr. Monroe, then secretary of state, addressed a letter to Mr. Baker, the British charge d'affaires at Washington, complaining of Nicholl's conduct, and showing that his pretence, that the ninth article of the treaty of Ghent could have any application to his Indians, was utterly destitute of foundation. Copies of the same correspondence were transmitted to the minister of the United States, then in England, with instructions to remonstrate with the British government against these proceedings of Nicholl, and to show how incompatible they were with the peace which had been concluded between the two nations. These remonstrances were accordingly made, first in personal interview with Earl Bathurst and Lord Castlereagh, and afterwards in written notes addressed successively to them, together with extracts from

the dispatches of the American ministers to the secretary of state, reporting what passed at those interviews. Lord Bathurst, in the most unequivocal manner, confirmed the facts, and disavowed the misconduct of Nicholl; declared his disapprobation of the pretended treaty of alliance, offensive and defensive, which he had made, assured the American minister that the British government had refused to ratify that treaty, and would send back the Indians, whom Nicholl had brought with him, with advice to make their peace on such terms as they could obtain. Lord Castlereagh confirmed the assurance that the treaty would not be ratified; and if at the same time that these assurances were given, certain distinctions of public notoriety were shown to the prophet Hillis Hadjo, and he was actually honored with a commission as a British officer, it is to be presumed that these favors were granted him as rewards of past services, and not as encouragement to expect any support from Great Britain, in a continuance of savage hostilities against the United States; all intention of giving any such support having been repeatedly and earnestly disavowed.

The negro fort, however, abandoned by Colonel Nicholl, remained on the Spanish territory, occupied by the banditti to whom he had left it, and held by them as a post from whence to commit depredations, outrages, and murders, and as a receptacle for fugitive slaves and malefactors, to the great annoyance both of the United States and of Spanish Florida.

In the year 1817, Alexander Arbuthnot, of the Island of New Providence, a British subject, first appeared as an English trader in Spanish Florida, and as the successor of Colonel Nicholl in the employment of instigating the Seminole and outlawed Red Stick Indians to hostilities against the United States, by reviving the pretence that they were entitled to all the lands which had been

ceded by the Creek nation to the United States, in August, 1814. As a mere Indian trader, the intrusion of this man into a Spanish province was contrary to the policy observed by all the European powers in this hemisphere, and by none more rigorously than by Spain, of excluding all foreigners from intercourse with the Indians within their territories. It must be known to the Spanish government whether Arbuthnot had a Spanish license for trading with the Indians in Spanish Florida, or not; but they also know that Spain was bound by treaty to restrain by force all hostilities on the part of those Indians, against the citizens of the United States; and it is for them to explain, how, consistently with those engagements, Spain could, contrary to all the maxims of her ordinary policy, grant such a license to a foreign incendiary, whose principal if not his only object, appears to have been, to stimulate those hostilities which Spain had expressly stipulated by force to restrain. In his infernal instigations he was but too successful. No sooner did he make his appearance among the Indians, accompanied by the prophet Hillis Hadjo, returned from his expedition to England, than the peaceful inhabitants on the borders of the United States were visited with all the horrors of savage war; the robbery of their property, and the barbarous and indiscriminate murder of woman, infancy, and age.

After the repeated expostulations, warnings, and offers of peace, through the summer and autumn of 1817, on the part of the United States, had been answered only by renewed outrages, and after a detachment of 40 men, under Lieutenant Scott, accompanied by seven women, had been waylaid and murdered by the Indians, orders were given to General Jackson, and an adequate force was placed at his disposal, to terminate the war. It was ascertained, that the Spanish force in Florida was inade

quate for the protection even of the Spanish territory itself, against this mingled horde of lawless Indians and negroes; and although their devastations were committed within the limits of the United States, they immediately sought refuge within the Florida line, and there only were to be overtaken. The necessity of crossing the line was indispensable; for it was from beyond the line that the Indians made their murderous incursions within that of the United States. It was there that they had their abode; and the territory belonged in fact to them, although within the borders of the Spanish jurisdiction.

Of all the sins that have been laid to General Jackson's charge, none have been branched out into the criminating counts of an indictment, and reiterated with more spiteful tautology, than those relative to his conduct of the Seminole war. It has been said, in relation to it, that "he invaded a neutral country in defiance of orders, and in violation of that provision of the constitution, which intrusts the power of peace and war to the president of the United States."

How far the invasion of Florida was in *defiance of orders*, may be determined by reference to the following documentary abstract. On the 9th of December, 1817, the secretary of war ordered General Gaines, "should the Indians assemble in force on the Spanish side of the line, and persevere in committing hostilities, within the limits of the United States, *in that event, to exercise a sound discretion, as to the propriety of crossing the line for the purpose of attacking them, and breaking up their towns.*" On the 16th December, he writes to the same: "Should the Seminole Indians still refuse to make reparation for their outrages and depredations on the citizens of the United States, *it is the wish of the president, that you consider yourself at liberty to march across the Florida line, and attack them within its limits.*" Soon after

this last order, the president received intelligence of the massacre of Mrs. Garrett and her family, and the shocking butchery of Lieutenant Scott and his detachment of forty men. Under the melancholy impression of these events, he had recourse to the well known energy and talent of General Jackson, and called upon him to repair to the scene of danger, and "terminate the conflict."

The first order he received, dated the 26th December, 1817, recited "the increasing display of hostile intentions by the Seminole Indians," and authorized him to call on the executives of the adjoining states, for a military force sufficient "to beat the enemy." It also informed him, that General Gaines, his second in command, had been directed "to penetrate from Amelia Island through Florida to the Seminole towns. With this view you may be prepared to concentrate your force, and to adopt the necessary measures, to terminate the conflict." It cannot be disputed that these orders, not only authorized General Jackson, but actually commanded him, to invade Florida.

He is informed that since the orders authorizing General Gaines to "march across the Florida lines, and attack the Indians within its limits," were issued, the government had learnt "their increasing display of hostile intentions," in the murder of Mrs. Garrett and family, and Lieutenant Scott and his men, and therefore General Gaines had been "*directed* to penetrate from Amelia Island, *through Florida*, and co-operate in an attack on the Seminole towns, if his force were sufficient for that offensive operation; and that with this view" he himself was expected "to concentrate his force and adopt the necessary measures to terminate the conflict." With what view then, would we ask, was General Jackson "to concentrate his force and adopt his measures?" The only answer that can be made is, with the view of "penetrating

into Florida," and carrying on within its limits such military operations as would be "necessary to terminate the conflict." What justification, rather what apology, can be offered by General Jackson's accusers, against the indignation of the American people, and the reproaches of truth, for declaring that this act of his was in "defiance of orders?" The orders themselves correspond with the act, and the act conforms to the interpretation given to the orders by the government that issued them. On the 25th of March, 1818, the president, in a message to congress, adverting to the course and spirit of the Indian hostilities, says, "General Jackson was ordered to the theatre of action, charged with the management of the war, and vested with the powers necessary to give it effect." And on the 13th May following, the secretary of war writes to Governor Bibb, "General Jackson is vested with full powers to conduct the war in the manner he may judge best." Now how could General Jackson's discretion, which was intrusted with these full powers, fail to determine on crossing the Florida line, in order to comply with his instructions, to "beat the enemy," and to "terminate the conflict," when that enemy was situated within the limits of Florida? It was totally impossible.

As this act of General Jackson was authorized and commanded by the president of the United States, whom, as a major general in the service, he was bound to obey, it is no part of his defence to disprove the allegation of its being a violation of a provision of the constitution. This charge, were it sustainable, would evidently miss General Jackson and hit Mr. Monroe. But it was debated in the house of representatives with intense eagerness for about three weeks; was discussed by thirty-two members, and enforced by all the boasted management and eloquence of Mr. Clay, and yet was decided in the negative by a vote of one hundred to seventy. We have only to remark,

that the entrance of the American army into Florida, and their provisional assertion of our belligerent rights, in the place of the abused or the derelict authority of Spain, was no violation of neutrality, much less an act of war, but strictly defensive; authorized by the principle of self-preservation, which is derived from the law of nature itself; is recognized by the law of nations, and conduces to their mutual safety; and under the obligations of which, the president, to whom the constitution commits the defence of the nation, and the assertion of its rights, was bound to prosecute the war with the Seminole Indians to a speedy and successful issue.

The right of self-defence, belonging to the nation, and committed to the president, carried with it a right to the means of its exercise. The inability of the Spanish authorities, or their unwillingness to preserve towards us the general obligations of neutrality, or to comply with the positive obligations of a treaty, binding them to restrain the Indians within their limits from hostilities against the citizens of the United States, brought General Jackson's military operations in Florida strictly within the number of these means. But whether regarded as they relate to the constitution of this country, or as they affected the rights of Spain, they are equally insufficient to inculpate General Jackson. He acted, like other commanders, under the orders of his government, and these orders he executed with his usual energy and address. He was not responsible for their nature, or for the extent of operations which they commanded, and therefore needed no defence.

Presuming that our readers are convinced that the invasion of Florida by General Jackson was not in "defiance of orders," or a violation of any provision of the constitution, we will proceed in the detail of the subsequent events of this memorable campaign. Soon after the arrival of General Jackson in Georgia, preparatory to

his expedition into Florida, a highly impolitic measure adopted by the governor of that state elicited censure from General Jackson. His accusers assert, that a "spirit of domination, fiery misrule, and impetuosity of temper," is displayed, in his celebrated letter to Governor Rabun, where he is made to say, "When I am in the field, you have no authority to issue a military order." The unfairness of the extract, and the circumstances which elicited the expression from General Jackson, will appear in the following detail of events:

"When General Jackson assumed the direction of the Seminole war, he found General Gaines near Hartford, in Georgia, at the head of the contingent force of that state, which he speedily put into motion. Advancing with his raw force of one thousand men, in the direction of Fort Scott, he passed on rude rafts and scarcely practicable routes, the fenny swamps, and flooded rivers of that region, impelled by the energy of his character, and the hope of finding the supplies which had been ordered there, at Fort Early. But when he reached that place, the danger of famine was not abated, there being only a barrel and a half of flour, and a few bushels of corn, in the fort. In the neighborhood lived a small tribe of Indians, the Chehaws, whose friendship, though doubted, now proved sincere. To these sons of the forest, in his extremity, he applied, desiring them to bring in such supplies of corn, peas, and potatoes, as they could spare, and promising liberal pay for them. They immediately brought a small supply, and on the general's encamping near their village, which lay directly in his route to Fort Scott, their aged chief, Howard, the survivor of many wars with the kings of the forest and the foes of his tribe, received him as a brother, and the simple-hearted community emptied, almost to exhaustion, to relieve the wants of their guests, the small stock of food which had been collected for their

subsistence through the winter. Enthusiasm succeeding their kindness—the few warriors of the village joined the American standard, and it was only in compliance with Jackson's request, that the grandson of Howard, a youth of eighteen, was left to assist that patriarch of the woods, in attending to the old men, women, and children. Thus, confiding in the honor of General Jackson, and in the faith of the United States, the Chehaw villagers were left in complete exposure. But what had they to apprehend, or what had General Jackson to apprehend for them? To the commanding officer of the small garrison left at Fort Early, he had given instruction to consider the Chehaws as friends, and there was no power behind him that could be dangerous to the allies of the United States. Having clasped the right hand of Howard in friendship, marshalled the warriors of the tribe, and assured the women of peace and protection, who, with their "young barbarians," witnessed his departure, he hastened onward to the theatre of war.

Where the lion walks harmless, the wolf prowls most ferociously. A Captain Wright, of the Georgia militia, upon some false information, conceived and communicated to the governor the impression, that after the march of General Jackson from the vicinity of Hartford, hostilities had been committed on that section of the frontier by the Phillimees and Oponees—subordinate or rather incorporated septs of the Chehaw tribe. The governor, on this erroneous representation, issued a very inconsiderate order, empowering the Captain to march at the head of two companies of cavalry, and such infantry as could be drawn from the garrison of Fort Early, against the supposed aggressors. It was in vain that the commanding officer there assured Captain Wright of the friendship and innocence of the Chehaws, and informed him of their recent aid and hospitality to General Jackson. But why prolong the

dreadful recital? The governor's party had the power and the will to destroy. They burst like a tempest on the devoted village. Helpless age and unresisting infancy they confounded in one torrent of destruction. The bayonet, red with the blood of the infant, was plunged into the breast of the mother. The aged Howard, supported by his grandson, advanced with a white flag, and was shot with that emblem of faith and peace in his feeble hand. The same cruel volley dispatched his grandson—the village was given to the flames—the women and children to the edge of the sword, or they fled from instant slaughter, in terror and exile, to famine. Wider scenes of desolation have indeed been spread on the face of the globe, when Hyder descended like a thunder-cloud from the mountains of Mysore, upon the plains of the Carnatic —or when Turreau left La Vendee shrouded in solitude and ashes. But a deeper stain of dishonor, or a more intense visitation of wo, was never seen or inflicted, than at the secluded village of the Chehaws. The massacre of Wyoming was mercy to it, and the revenge of Brandt far less cruel than this amity of the United States. It violated, at one blow, humanity, friendship, and the faith of treaties—the obligations of justice, gratitude, and honor —and involved in its consequences the disgrace of the nation, the murder of our citizens, and the probable renewal of the war, which was then almost concluded. Against this shameful outrage, the heart of Jackson arose, and he resented it with indignation, but not without dignity; complaining to the executive of the United States, and remonstrating with that of Georgia. To the former he says, (7th May, 1818,) "The outrage which has been committed on the superannuated warriors, women, and children of the Chehaws, whose sons were then in the field, in the service of the United States, merits the severest chastisement. The interference, too, of the governor of Georgia,

with the duties imposed on me, claims the early attention of the president. All the effects of my campaign may by this one act be destroyed, and the same scenes of massacre and murder with which our frontier settlements have been visited, again repeated." To the latter, (7th May,) after referring to the massacre as "base and cowardly," and to an inclosed copy of General Glascock's letter detailing it, he observes, "That a governor of a state should make war against an Indian tribe at perfect peace with and under the protection of the United States, is assuming a responsibility that I trust you will be able to excuse to the United States, to which you will have to answer;" and he adds, "you, as governor of a state within my military division, have no right to give a military order when I am in the field." This last is the phrase which General Jackson's accusers have "torn from its context," and repeated with an aggravating abbreviation, and in alarming italics. "*When I am in the field you have no right to issue a military order.*" Now, although the negation may at first appear too general, yet the context plainly limits it to the *field* of command on which Jackson was then employed. It obviously was not his intention to say that the governor had no right to regulate the militia concerns of his state, or to order out quotas in the service of the United States; but that he had no right, as governor of Georgia, to interfere with his duties, by operations extraneous to the sovereignty of the state, and hostile to the Indians at peace with and under the protection of the United States. In this he was perfectly right, and evinced a disposition to preserve rather than to disturb the harmony so desirable between the states and the general government. The power of making war is vested exclusively by the constitution in the federal government, and the equivalent duty imposed on it of guarantying the integrity and independence of the several states. This duty, the federal go

vernment was then in the act of discharging in favor of the state of Georgia; and yet, acccording to General Jackson's accusers, the governor of Geogria was to interrupt its military operations, and to murder its friends and allies, without the voice of remonstrance or admonition. Let us suppose, for a moment, that after General Brown had concluded a friendly agreement with the Buffalo Indians, and with their supplies of provisions and men, had invaded Canada, Governor Tompkins had come on his track, burnt the friendly village, and destroyed or dispersed its inhabitants. Would it have been an unpardonable offence in General Brown to remonstrate against that outrage, and to inform Governor Tompkins that he had transcended his authority? Would it have displayed a "dangerous spirit of domination," or an honorable feeling of justice and humanity? And would it have exposed General Brown to the suspicion and execration of his fellow citizens, or entitled him to their approbation and support? The acquaintance of those with history who accuse General Jackson should remind them that the taking of Saguntum, while in alliance with the Romans, was the immediate cause of the second Punic war, and that the destruction of that city excited a dignified resentment in the Roman people, which defeat after defeat, and slaughter after slaughter, could not subdue, and gave a moral interest as well as a political force to the vengeful expression of the elder Cato, "delenda est Carthago." Not to mention other examples of feeling repugnant to the sentiments with which they contemplate the sensibility of General Jackson for the fate of the Chehaws, the pride which on a late occasion England took in stretching forth her power as an ægis over her "ancient ally," may be cited—when Mr. Canning, as the organ of his country, declared to the nations in a tone of generous defiance, *that when the march of foreign conquest touched*

the frontiers of Portugal, it must stay its haughty step. Yet while we admire the spirit of the Roman people and of the English statesman, we are persuaded to believe that when our own patriot protested against an outrage on humanity, a violation of faith, and a usurpation of authority, acquiescence in which would have stained with disgrace our common sense, our common nature, and our common country, he displayed a "fiery misrule of temper," and "a dangerous spirit of domination."

It may, perhaps, be within the extensive circle of their sophistry to contend that the governor of Georgia, as the head of a sovereign state, had a right to make war on the Indians, the right of war being an incident inseparable from sovereignty. Waiving the constitutional pact between the states and the federal government, and the laws of congress placing the Indian tribes under the control and keeping of the United States, which would at once defeat this course of argument, it will be enough to observe, that even if the governor had the right of waging this war, he was bound to prosecute it according to the law of nations and the usages of war. These would have rendered it his duty to ascertain first, whether the injury he complained of was really committed by the Chehaws—and if it were, secondly, whether the authorities of that tribe would make, or refuse proper reparation. This is the practice of all civilized states—is that of the United States—and was exemplified in the late disturbance with the Winnebagoes. So that, conceding the right of war to the governor, his violation of the laws and usages of war to the injury of the Chehaws, justly exposed him to the remonstrances of General Jackson, who, as an officer of the United States, the guest of the venerable Howard, and the commander of the Chehaw warriors, was in strict alliance with that tribe, and bound to protect it. The fact is, that the governor of Georgia

was, for a time, so infatuated, as to consider his official dignity invaded, and his power encroached upon by this remonstrance of the general, and under that impression wrote a letter to him, reminding him of Georgia's "bleeding frontier," and taunting him with affecting "a military despotism." The fact is, too, that this, his letter, made its gasconading appearance in a Georgia journal, before it was received by the general, and fell into disreputable oblivion soon after. And the probability is, that the general's accusers, who, though prodigal in charges, are penurious in proofs, have been guided to this buried slander by a sense for defamation as keen and creditable as that which leads certain winged *gnostics* to the carcasses of the dead. But it has as little truth as fragrance. For from the time the Georgia brigade encamped on the Oakmulgee, and under the conduct of General Jackson, marched by the way of Fort Early to Fort Scott, up to the close of the war, the southern frontier of that state could neither have bled nor been exposed.—A thousand men, either stationed on that frontier, or penetrating from it into the Indian country, naturally bore off any thing like hostility; and accordingly General Jackson met with no opposition until he reached the Mickasuky towns, at least 150 miles south of Hartford. Besides, the Tennessee contingent, consisting also of 1000 men, had marched on 14th of Feb. from Fayetteville, in Tennessee, under the command of Colonel Hayne, of the United States army, and after reaching Fort Mitchell, on their way to join General Jackson at Fort Scott, had information that their rations, which had given out, could not be replenished in the direction of Fort Scott, filed off to the left, and by a route nearly parallel to the advance of Jackson, had passed into Georgia, at Hartford; where Colonel Hayne with 400 men remained for the protection of that frontier, until after the period at which Governor Rabun represented it to be

"bleeding." There could therefore have been no real cause, as there was no possible justification, for the attack on the Chehaws; and of this the governor himself was soon sensible, for in a letter of the 11th May, from Milledgeville, General Glascock says to General Jackson, "I had an interview with the agent and the governor, and they have concluded that a talk will immediately be held with the chiefs of that place—ascertain the amount of property destroyed, and make ample reparation for the same. This is at once acknowledging the impropriety of the attack, and not in the least degree throwing off the stigma that will be attached to the state."

CHAPTER XIV.

General Jackson arrives at Fort St. Marks—Captures it—Censures of him for his operations in Florida—Circumstances justifying his acts—Arbuthnot and Ambrister—Their agency in producing the Seminole war—Justification of their punishment—Detail of the particulars of the Seminole war as given by General Jackson.

While the unfortunate affair of the Chehaws was transpiring, General Jackson was proceeding in the direction of Fort St. Marks. Its situation was in the interior of Florida, on a river of the same name; and had long been the scene of the most nefarious designs, and the starting point from which marauders, depredators, and murderers, had taken their departure. This place he captured, and from it he directed his operations against the Seminoles yet unsubdued. As every act of General Jackson during this campaign has been made the subject of the severest animadversion, we have been necessitated to incorporate the detail of it with a defence of his measures, and to render that defence acceptable to our readers, we have availed ourselves of the masterly productions of the writer alluded to in our preface, whose admirable defences of General Jackson's public acts on various occasions, we have often made our readers familiar with in the course of this volume. General Jackson is charged with having "decoyed and slaughtered the Indians while at St. Marks."

The subject of this charge is indissolubly connected

with the crimes and fate of Arbuthnot and Ambrister, and blends itself intimately with General Jackson's operations in Florida. But the scene of these transactions is so remote and obscure—covered by untravelled wildernesses, unmeasured swamps, and undefined jurisdictions—the characters upon which they operate so notorious and yet so unknown, their allegiance so diversified, and their motives so various, that the attention of ever a fair inquirer is often bedimmed and confounded in their study, as the strongest eye is mocked in pursuing the even changing reflection from agitated water. In their present state of indigestion, they form a mass of rubbish, behind which every scribbler who chooses to revile General Jackson, and hopes to delude the public, entrenches himself.

The *dramatis personæ* engaged in the catastrophe which Jackson is accused of producing, were—Lieut. Col. Nicholl, of the British artillery—Woodbine, an English adventurer of fine address and desperate morals, trainer of hostile Indians, with the title if not the rank of captain, and in that respect, adjunct and successor of Nicholl—Arbuthnot, a Scotchman, who had left his wife in Europe, married a colored one in the West Indies, and with a son by the former taken a trading position in Florida, got himself elected chief of the Indians at war with the United States, and as such had sanctioned the butchery of Lieutenant Scott and his party—Ambrister, a half officer and half buccanier, who, with the commission of "auxiliary lieutenant of colonial marines," given by Admiral Cochrane during the war with this country, was taken three years after the peace, leading the Indians and fugitive negroes in the battle against the troops of the United States. Hambly and Doyle, subjects of Spain, agents of a commercial firm in Pensacola, driving the Indian trade in an establishment on the Apalachicola, and favorers of peace—Cook, clerk to Arbuthnot, also in fa-

vor of peace—Francis or Hillis Hadjo, chief of the prophets of the Creek Nation, appointed by Tecumseh in his insurrectional visit to the southern tribes in the fall of 1812, an inveterate enemy of the United States, had refused to unite with his countrymen in the capitulation of Fort Jackson, abandoned his country, and at the head of the outlawed Red Sticks, had taken refuge and protection with the Seminoles in Florida, instigated them to rapine and murder, and had witnessed and encouraged the mas sacre of Lieutenant Scott and his party—Hemithlimaco, a Red Stick chief, the principal warrior of the prophet, and principal perpetrator of that massacre.

The motives and liabilities of these men were as various as their names and nations. The motive of Nicholl was success in his profession and service to his country, stained with the design of debasing the chivalry of war, by the employment of savage associates. To this Woodbine added, and in a predominating degree, the infamous desire of plunder and profit. Lucre was the sole object of Arbuthnot, and his means for procuring it were sagacious and unscrupulous—proposing to acquire an influence over all the surrounding Indian tribes, by means of it to disturb their existing relations with their civilized neighbors, both as to territory and trade, and to engross the entire profits of the latter. A mixed and unprincipled thirst for gain and for fame, seems to have actuated Ambrister. Interest, which incited Arbuthnot and Ambrister to produce confusion, made Hambly and Doyle anxious to preserve peace. Cook was engaged to be married to a girl in New Providence, and felt therefore an inordinate attachment to life, and little disposition to run the hazards of his employer, Arbuthnot. The "self-exiled' prophet, loving his country less than he hated her enemies, was filled with revenge for the disasters of the Creek war, for the loss of influence which they had occasioned him, for

the severities which his refusal to submit to the capitulation of Fort Jackson had occasioned him, and for the "exemplary punishment" denounced against him by the order of the secretary of war, (16th January, 1818,) which was committed for execution to General Jackson. He was further stimulated by the pride of character, which a late visit to England, and a flattering reception from the prince regent, had inspired, and by the hope of reviving the hostile spirit of the Creeks, and regaining his former influence and possessions. With a hatred to the United States equally passionate and fierce, Hemithlimaco was infuriated by a natural thirst for carnage, superstitious reverence for the prophetical dignity of Francis, and habitual eagerness to execute his most brutal purposes.

The agency of these individuals, impelling, moderating, or counteracting each other, and deriving more or less encouragement and aid from the Spanish authorities, had kept up a state of hesitating war, but unremitting robbery and bloodshed, on our southern frontier, ever since the termination of the Creek war, in August, 1814. In its least offensive but most dangerous form, it was repelled by General Jackson, when he dislodged the British armament from Pensacola, in November of that year. We have before attempted to show how, with more than a mother's care, a patriot's fire, and a statesman's foresight, on the first intelligence of its appearance there, he flew unordered to the protection of Mobile, and fortified and garrisoned Fort Bowyer. How, while he awakened by dispatches the vigilance of the cabinet, just composed after the capture of Washington—he roused the patriotism of the people, and calling on Coffee and his volunteers with a voice in which they heard the trump of fame, he forced the British to abandon Pensacola, and the Spaniards to maintain their neutrality. How, after securing the left flank of his extensive line of defence, penetrable by rivers,

and accessible by bays, he passed with incredible expedition to the banks of the Mississippi, with little other aid from the government than *stale intelligence and diplomatic directions*, with arms, flints, and money, collected by himself, with raw, unfurnished, and inferior forces, he vanquished both in attack and defence, the most formidable veterans of Europe, and surpassed in skill and courtesy, her renowned and accomplished generals. Since the peace with England, these lawless disturbances had been continued by forays of rapine and murder, principally on the southern borders of Georgia, which, after some movements of troops, many *talks* with the Indians, and much diplomacy with Spain, were persevered in until the fall of 1817—murder and military execution were committed on our unsuspecting soldiers and helpless women and children. Public opinion now appealed to the government, and the government to General Jackson. He took the field, and with that unerring aim of judgment and courage, which, like the noble instinct of the mastiff, springs right at the heart, he penetrated and destroyed the sources of this cruel and infamous war, with the utmost possible expedition and the least practicable bloodshed. Without provisions, and with a force of only 1000 raw militia and Indians, to whom too he was a stranger, he entered Florida, built Fort Gadsden, routed the Indians at Micasuky, found in their village near 300 old scalps, and on the prophet's red pole 50 fresh ones, most of them recognized by the hair to have belonged to the unfortunate party of Lieutenant Scott. Here, ascertaining from the prisoners that a part of the enemy had fled to St. Marks, and also ascertaining the criminal complicity of the commandant, he formed a determination to prevent any further abuse of Spanish neutrality and American rights, and took possession of that fortress—where he found "the advocate for peace," Arbuthnot, who, with the innocent and vacant

look peculiar to his countrymen when they meditate shrewd and dangerous designs, sat an unconcerned guest at the table of the commandant. From St. Marks, discovering that the remnant of the routed Indians and negroes had retreated down the west coast of East Florida, in the direction of Woodbine's grand depot of Virginia and Georgia runaway slaves, he pursued and overtook them near the Econfinnah swamp, where some were killed, many taken, and the only woman who escaped death from the murderers of Lieutenant Scott, recaptured. The enemy retreating to the Suwancy were not allowed time to renew their strength or courage, but were again attacked and routed, with such a loss and dispersion, that the victors hoped they had finished the war.

On this occasion Ambrister was made prisoner. The army returned to St. Marks, where the general, having received information from the governor of Alabama, that a large body of hostile Indians who had been committing fresh murders on the Alabama, were assembling near Pensacola, and were there freely admitted and constantly furnished with means of subsistence and war, he determined to cut off this last head of the Hydra—to supply any defect of will or power that might exist on the part of the governor to observe his neutrality, and to occupy that place for a time also. Marching by the Ocheesee Bluffs, he was confirmed in his intention by finding the navigation of the Escambia occluded to his supplies. He therefore proceeded, and entering Pensacola on the 24th of May, he took Fort Barrancas on the 27th—having, in his short campaign of three months, and with an undisciplined force, varying from one to two thousand, overrun a country larger than Italy—forced a Parthian enemy three times to action, and though once inferior in numbers, thrice defeated him; without any materials for a military bridge, having passed rivers as large and as deep as the

Po or the Adige—without other subsistence frequently than acorns, raw hides and water, having marched more than 800 miles; with scarce any artillery, having taken by force or intimidation three fortresses, and with little more than the energies of his own great mind terminated forever this savage, servile, and piratical war. It was a subject of glory to Pompey the Great, that after having worsted Sertorius, he should agree to conduct the war against the pirates. When General Jackson undertook the Seminole war, he had defeated the best troops, and among the finest generals of Europe, and terminated the most glorious campaign of the age. Yet he is found as ardent and persevering against these hordes of savages and slaves, as sincerely devoted to the country, as any young aspirant for fame, little dreaming that in the bosom of that country, ingratitude was to hatch a brood of vampires!

During these operations, it happened that the prophet Francis and his instrument Kenhagee, king of the Mississukian, in whose town the 350 scalps were found, had, after the murder of Lieutenant Scott and his party, seized Hambly and Doyle, at the instigation of Arbuthnot, under whose authority as chief, and that of Francis, they were tried in council and sentenced to be tortured to death, for their friendship to the United States. From this wretched fate they were rescued by the spirited interference of a negro, *Nero*, the commander of 60 other negroes in the service of the hostile chief Bowlegs, and were by his agency conveyed, as prisoners of Arbuthnot, and his Indians, to St. Marks, for safe keeping. Here they were received by the commandant as prisoners, and here they saw numerous evidences of the participation of the Spanish authorities in the Seminole war, but escaping in a canoe, they were taken up by Lieutenant M'Keever, of the United States navy, in the adjacent bay. With a sort of

dramatic coincidence, it came to pass that the thirst for blood having risen in the breast of the prophet and his warrior Himithlimaco, they soon repented the rescue of Hambly and Doyle, and came to St. Marks in quest of them, just after they had made their escape. With the ferocious perseverance of wolves, they pursued their flight along the coast, hoping that weather or weariness would force them ashore, and soon descried a vessel at anchor, with British colors flying at the mast head.—After some reconnoitering they went aboard, were conducted into the cabin where they found Hambly and Doyle, who immediately identifying them as the murderers of Lieutenant Scott and his party, and their own captors and tormentors, they were put in irons by Lieutenant M'Keever. These circumstances being all made known to General Jackson, by a mass of proof and undisputed notoriety, in conformity with the order of the secretary of war "to inflict exemplary punishment on the authors of the atrocities" committed on Lieutenant Scott's party, and Mrs. Garrett's family, he had them hung, in accordance with the principles of the law of nations, and in obedience to the dictates of humanity, which their atrocities had outraged, and to which the terror and example of their fate was a just sacrifice, and proved a salutary propitiation.

The reader will see that the only decoying was practiced by Lieutenant M'Keever, and before he can agree to censure that, it must be shown that our naval officers had no right to use such stratagems as the officers of other nations practice, although the colors of all nations are furnished them for this express purpose. These Indians were taken by stratagem and surprise as Andre was, and like that unfortunate officer, who never violated a feeling of humanity, they were "slaughtered"—that is, they were hung. In this punishment, as justice, humanity, and the law of nations were satisfied, it is to be observed that they

being out of the United States, our own laws were not concerned. Had they been brought within our limits all their crimes must have gone unpunished—for they had not violated our municipal, or maritime, or martial laws. But the law of nations vests the right of retaliation in the commanding general, and the imbecility or dishonor of the Spanish authorities having justified the assertion of our belligerent rights, it was the duty of General Jackson to fulfil the instructions of his government and bring these murderers to punishment.

Let us now come to the case of Arbuthnot. From the recaptured American woman, who was the sole remaining survivor of Lieutenant Scott's party—from Cook, his clerk—from Phenix, his acquaintance—from letters and papers found in a vessel of his, captured in the mouth of the Suawney, and others obtained from the Indians by our agent, it was proved incontestibly that "this advocate for peace," by misrepresenting the terms of the treaty of Ghent—the conduct of the American and the intentions of the British government, had incited in time of peace the Seminole Indians to hostilities against the United States. That to aid those hostilities, he had applied in behalf of the Indians, to various functionaries of Britain for supplies, and to disguise them for protection. That he had furnished them with intelligence and ammunition, for military purposes, and had given them advice and *orders* in the management of the war. That he had directed the seizure and presided at the condemnation of Hambly and Doyle in consequence of their being "the advocates for peace" with the United States. That he had instigated and countenanced the massacre of Lieutenant Scott and his party, consisting of about forty American citizens. That as an Indian chief, he had permitted our gallant officers to be assassinated, our brave soldiers to be butchered and their helpless wives to be murdered, or with more

horrible cruelty spared to see their infants "taken by the heels and their brains dashed out against the sides of the boat." And that when one of the two women who had been spared (the wife of an American serjeant) was from pregnancy no longer able to keep up with the march of her captors, this "advocate for peace" ordered her to be put to death, and that accordingly she was bayoneted through the womb! From the same and other sources of proof it was demonstrated that Ambrister had not only instigated the Indians to war against the United States, but had actually joined them with a party of runaway negroes and led them in battle—having used his commission as a British officer (a nation with which we were at peace) to promote his pernicious influence among them, and having endeavored by force to convert a Spanish fortress into a place of savage hostility against the United States.

These are the men whose crimes had destroyed so many innocent lives, for the sake of otter-skins and runaway slaves, and whose punishment is lamented with such dignified sorrow by the enemies of General Jackson. The evidence against them satisfied a court of gallant and intelligent officers of their guilt—satisfied the representatives and the government of the nation—and convinced the courts of Spain and of England of the justice of their punishment. And yet because it is too voluminous and intricate to be readily examined, they found upon it imputations, which with the rancorous, have the retributive property of injustice, and though aimed at the reputation of another, will only affect their own.

Should the preceding brief sketch and defence of General Jackson's conduct, in the Seminole war, prove unsatisfactory to our readers, we beg leave to invite their perusal of the following detail of the particulars of that campaign as given by the general in his reports to he

secretary of war. If, however, this addition should be deemed superfluous, the reader will easily avoid it by proceeding forthwith to the commencement of the next chapter. On the 25th of March, 1818, the general reports as follows:

"On the 9th instant, I reached Fort Scott, with the brigade of Georgia militia, 900 bayonets strong, and some of the friendly Creeks, who had joined me on my march a few days before; where, finding but one quart of corn per man, and a few poor cattle, which, added to the live pork I brought along, would give us three days rations of meat, determined me at once to use this small supply to the best advantage. Accordingly, having been advised by Colonel Gibson, quartermaster general, that he would sail from New Orleans on the 12th February, with the supplies; and being also advised, that two sloops with provisions were in the bay, and an officer had been despatched from Fort Scott, in a large keel boat, to bring up a part of their lading; and deeming that the preservation of those supplies would be to preserve the army, and enable me to prosecute the campaign, I assumed the command on the morning of the 10th, ordered the live stock slaughtered and issued to the troops, with one quart of corn to each man, and the line of march to be taken up at 12 meridian. Having to cross the Flint river, and it being very high, combined with some neglect in returning the boats during a very dark night, I was unable to move from the opposite bank until nine o'clock on the morning of the 11th, when I took up my line of march down the east bank of the river for this place, touching the river as often as practicable, looking for the provision boat which was ascending, and which I was fortunate enough to meet on the 13th instant, when I ordered an extra ration to the troops, they not having received a full one of meal or flour since their arrival at Fort Early.

On that day, my patroles captured three prisoners, and found some hidden corn. On the morning of the 14th, I ordered the boat down the river to this place, whilst I descended by land, and reached here without interruption on the morning of the 16th. The eligibility of this spot, as a depot, determined me, and I immediately directed my aid-de-camp, Lieutenant Gadsden of the engineer corps, to furnish a plan for, and superintend the erection of, a fortification. His talents and indefatigable zeal displayed in the execution of this order, induced me to name it Fort Gadsden, to which he is justly entitled.

"On my arrival here, I immediately despatched the boat to the bay for the balance of provisions known to be there, and to ascertain whether the flotilla, in charge of Colonel Gibson, had reached there; and which returned on the 19th, with the unpleasing intelligence that nothing had been heard from the flotilla from New Orleans, since it was seen passing Fort Bowyer. I immediately put the troops on half rations, and pushed the completion of the fort for the protection of the provisions, in the event of their arrival, intending to march forthwith to the heart of the enemy, and endeavor to subsist upon him. In the mean time, I despatched Major Fanning, of the corps of artillery, to take another look into the bay; whose return, on the morning of the 23d, brought the information that Colonel Gibson, with one gun-boat and three transports, and others in sight, were in the bay. On the same night, I received other information, that no more had arrived. I am, therefore, apprehensive that some of the smaller vessels have been lost, as one gun-boat went to pieces, and another when last spoken had one foot water in her hold. All of the vessels had been spoken after a gale which dispersed them. A north and northwest wind has prevailed for six days, but has fortunately changed this morning. I am now awaiting a boat from the bay (which

is expected to-day) to complete eight days rations for my troops, upon which I mean to march.

"From information received from Pensacola and New Orleans, I have no doubt but that St. Marks is in possession of the Indians. The governor of Pensacola informed Captain Call, of the 1st infantry, (now here) that the Indians had demanded arms, ammunition, and provisions, or the possession of the garrison of St. Marks, of the commandant, and that he presumed possession would be given from inability to defend it. The Spanish government is bound by treaty to keep the Indians at peace with us; they have acknowledged their incompetency to do this, and are consequently bound, by the law of nature and nations, to yield us all facilities to reduce them.—Under this consideration, should I be able, I will take possession of the garrison as a depot for my supplies, should it be found in the hands of the Spanish garrison, they having supplied the Indians; but if in the hands of our enemy, I will possess it for the benefit of the United States, as a necessary position for me to hold, to give peace and security to this frontier, and put a final end to Indian warfare in the south.

"Finding it very difficult to supply Fort Crawford, on the Conecuh river, by land, I have ordered the supplies for that garrison, by water, and written to the governor of Pensacola, that if he interrupts them during the present Indian war, I shall view it as aiding our enemy, and treat it as an act of hostility, and stated to him the propriety, under existing circumstances, of his affording all facilities to put down their own, as well as our enemies, and that our governments, whilst negotiating, can take this subject under consideration; but in the mean time, our provisions must pass to Fort Crawford, without interruption.

"In mine of the 14th February from Hartford, I in-

formed you of the measures adopted to procure supplies, and in my last of the 26th, from Fort Early, I informed you of their situation. To those communications I beg leave to refer you. I have only to add, that I left Fort Early for Fort Scott, and subsisted my troops on ground pease, corn, and some pork, that I could occasionally procure from the Indians, with some pork that I had on foot, the whole subsistence for man and horse, not costing five hundred dollars. Of all the supplies purchased for the relief of Fort Scott, and the support of the Georgia militia, not one pound was received until I passed Fort Scott. I said in my last, that blame rested somewhere; the cause of those failures, will in due time, be a subject of investigation, and Colonel Brearly has been arrested on the application of General Gaines.

"By some strange fatality, unaccountable to me, the Tennessee volunteers have not yet joined me. They promptly left their homes, and through the inclement weather, reached Fort Mitchell, where I had ordered them supplies, and where Colonel Hayne, who led them, met my instructions to pass by Fort Gaines, where he would get a supply of corn, that would enable him to reach Fort Scott; but the idea of starvation had stalked abroad; a panic appears to have spread itself every where, and he was told that they were starving at Forts Gaines and Scott, and was induced to pass into Georgia for supplies. His men and officers, as reported to me, were willing to risk the worst of consequences, on what they had, to join me; however they have been marched from their supplies, to a country stripped of them, when every consideration should have induced his advisers to have urged him on to secure the supplies in the bay, and preserved themselves and Fort Scott from starvation. I have a hope that they will join me before I reach St. Marks, or the ——— towns; this would be desirable, as the troops or-

dered from New Orleans to protect the supplies, have not reached the bay, and leaving garrisons at Forts Scott and Gadsden weakens my force much, the whole effective strength of the regular being but three hundred and sixty privates.

"In mine of the 26th ult. from Fort Early, informed you that despatches received by General Gaines on the 19th ultimo from the commanding officer at Fort Scott, induced him to set out that night for Fort Scott, to prevent its abandonment, &c. In his passage down the Flint river, he was shipwrecked, by which he lost his assistant adjutant general, Major C. Wright, and two soldiers, drowned. The general reached me six days after, nearly exhausted with hunger and cold, having lost his baggage and clothing, and being compelled to wander in the woods four and a half days without any thing to subsist on, or any clothing except a pair of pantaloons. I am happy to have it in my power to say that he is now with me at the head of his brigade in good health.

"The great scarcity of subaltern officers in the 4th and 7th regiments of infantry, has induced me to appoint several young men present, as second lieutenants in those regiments, who, from personal knowledge and good recommendations, I have no doubt will prove themselves worthy, and trust the measure will meet the approbation of the president. A list of their names, and the regiments to which they are attached, will be furnished the adjutant and inspector general by my adjutant general.

"Since writing the above, I have the pleasure to inform you, that the boat from the bay has arrived with provisions, also Colonel Gibson and Captain M'Kever of the navy. I shall move to-morrow, having made the necessary arrangements with Captain M'Kever for his cooperation in transporting my supplies around to the bay of St. Marks, from which place I shall do myself the

honor to communicate to you. Should our enemy attempt to escape with their supplies and booty to the small islands, and from thence to carry on a predatory warfare, the assistance of the navy will prevent his escape. General Wm. M'Intosh, commanding the friendly Creeks, who had been ordered to reconnoitre the right bank of the Appalachicola, reported to me on the 19th instant, that he had captured, without the fire of a gun, one hundred and eighty women and children, and fifty-three warriors, of the Red Ground chief's party, with their cattle and supplies; the chief and thirty warriors making their escape on horseback: ten of the warriors attempting their escape after they had surrendered, were killed by the general."

On the 8th April, the general continues his relation:

"I wrote you from Fort Gadsden, communicating the embarrassments under which I had labored previous to my arrival at that post, and my determination, being then in a situation to commence active operations, to penetrate immediately into the centre of the Seminole towns. My army marched on the 26th ultimo, and on the 1st of April was reinforced by the friendly Creek warriors under General M'Intosh, and a detachment of Tennessee volunteers commanded by Colonel Elliot. On the same day, a mile and a half in advance of the Mickasukean villages, a small party of hostile Indians were discovered judiciously located on a point of land projecting into an extensive marshy pond; the position designated, as since understood, for the concentrating of the negro and Indian forces to give us battle. They maintained for a short period a spirited attack from my advanced spy companies, but fled and dispersed in every direction upon coming in contact with my flank columns, and discovering a movement to encircle them. The pursuit was continued through the Mickasukean towns, until night compelled me to encamp my army. The next day detachments were sent out in every

direction to reconnoitre the country, secure all supplies found, and reduce to ashes the villages. This duty was executed to my satisfaction: nearly three hundred houses were consumed, and the greatest abundance of corn, cattle, &c., brought in. Every indication of hostile spirit was found in the habitations of the chiefs; in the council houses of Kenhagee's town, the king of the Mickasukians, more than fifty fresh scalps were found; and in the centre of the public square, the old Red Stick's standard, *a red pole*, was erected crowned with scalps, recognized by the hair as torn from the heads of the unfortunate companions of Scott.

"As I had reason to believe that a portion of the hostile Indians had fled to St. Marks, I directed my march towards that fortress. As advised, I found that the Indians and negroes combined had demanded the surrender of that work: the Spanish garrison was too weak to defend it, and there were circumstances reported, producing a strong conviction in my mind, that if not instigated by the Spanish authorities, the Indians had received the means of carrying on the war from that quarter. Foreign agents, who have been long practicing their intrigues and villanies in this country had free access into the camp. St. Marks was necessary as a depot to insure success to my operations. These considerations determined me to occupy it with an American force: an inventory of the Spanish property, munitions of war, &c., has been taken and receipted for, and the commandant and garrison furnished with transportation to Pensacola. My correspondence with the Spanish commandant, the evidences under which I acted, and a detailed account of my operations, will be furnished you as early as practicable. Success depends upon the rapidity of my movements, and to-morrow, I shall march for the Suwaney river; the destroying the establishments on which, will

in my opinion put a final close to this savage war. Captain M'Kever of the navy, cruising at my request on this coast, has been fortunate enough in securing Francis or Hillis Hadjo, the great prophet, and Hemithlimaco, an old Red Stick. They visited his vessels under an impression they were English, from whom, as they stated, supplies of munitions of war, &c., under late promises, were expected. Arbuthnot, a Scotchman, and suspected as one of the instigators of this savage war, was found in St. Marks. He is in confinement until evidences of his guilt can be collected."

On the 20th April, 1818, he continues his detail:

"My last communication, dated camp before St. Marks, 8th April, and those to which it referred, advised you of my movements and operations up to that date, and as I then advised you, I marched from that place on the morning of the 9th. On the evening of the 10th, I was joined by the rear of the Tennessee volunteers; also by the Indians under General M'Intosh, whom I had left at Mickasuky, to scour the country around that place. Although the weather has been dry and pleasant, and the waters had subsided in a great degree, our march might be said to have been through water, which kept the infantry wet to the middle, and the depth of the swamps, added to the want of forage, occasioned the horses to give out daily in great numbers. On the morning of the 12th, near Econfinnah, or natural bridge, a party of Indians were discovered on the margin of a swamp, and attacked by General M'Intosh and about fifty Tennessee volunteers, who routed them, killing thirty-seven warriors, and capturing six men and ninety-seven women and children; also recapturing a white woman who had been taken at the massacre of Scott. The friendly Indians also took some horses, and about 500 head of cattle from the enemy, who proved to be M'Queen's party. Upon the application of

an old woman of the prisoners, I agreed that if M'Queen was tied and carried to the commandant at St. Marks, her people should be received in peace, carried to the upper tribes of the Creek nation, and there provisioned until they could raise their own crops. She appeared much pleased with those terms, and I set her at liberty with written instructions to the commandant of St. Marks to that effect. Having received no farther intelligence from M'Queen, I am induced to believe the old woman has complied with her part of the obligation.

"From St. Marks, I marched with eight days rations, those that joined me having but five; this was done under the expectation of reaching this place in that time, founded on the report of my faithful Indian guide, which I should have accomplished, but for the poverty of my horses, and the continued sheets of water through which we had to pass. On the morning of the 15th, my scouts overtook a small party of Indians, killing one man, and capturing the residue, consisting of one man and woman, and two children, and on that evening I encamped, as my guide supposed, within twelve miles of Suwaney. I marched very early on the 16th, under the hope of being able to encompass and attack the Indian and negro towns by one o'clock P. M., but much to my regret, at three o'clock, and after marching sixteen miles, we reached a remarkable pond which my guide recollected, and reported to be distant six miles from the object of my march; here I should have halted for the night, had not six mounted Indians, (supposed to be spies) who were discovered, effected their escape; this determined me to attempt by a forced movement, to prevent the removal of their effects, and, if possible, themselves from crossing the river, for my rations being out, it was all important to secure their supplies for the subsistence of my troops. Accordingly, my lines of attack were instantly formed

and put in motion, and about sunset, my left flank column, composed of the second regiment of Tennessee volunteers, commanded by Colonel Williamson, and a part of the friendly Indians under Colonel Kanard, having approached the left flank of the centre town, and commenced their attack, caused me to quicken the pace of the centre, composed of the regulars, Georgia militia, and my volunteer Kentucky and Tennessee guards, in order to press the enemy in his centre, whilst the right column, composed of the 1st regiment of Tennessee volunteers under Colonel Dyer, and a part of the friendly Indians, headed by General M'Intosh, who had preceded me, were endeavoring to turn his left, and cut off his retreat to the river; they, however, having been previously informed of our force, by a precipitate retreat soon crossed the river, where it is believed, Colonel Kanard with his Indians, did them considerable injury. Nine negroes and two Indians were found dead, and two negro men made prisoners.

"On the 17th, foraging parties were sent out, who found a considerable quantity of corn, and some cattle. The 18th, having obtained some small craft, I ordered General Gaines across the river with a strong detachment, and two days provision, to pursue the enemy; the precipitancy of their flight, was soon discovered by the great quantity of goods, corn, &c., strewed through the swamps, and convinced General Gaines that pursuit was in vain, nine Indians and five negro prisoners were taken by our Indians; the evidence of haste with which the enemy had fled, induced the general to confine his reconnoisance to search for cattle and horses, both of which were much wanted by the army. About thirty head of cattle were procured; but from the reports accompanying General Gaines, which will in due time be forwarded to you, and the disobedience of his orders, by the Indians, not one pound was brought into camp.

"As soon as time will permit, I shall forward a detailed account of the various little affairs with the enemy, accompanied with reports of the commanding officers o the detachment. Suffice it for the present to add, that every officer and soldier under my command, when danger appeared, showed a steady firmness which convinced me that in the event of a stubborn conflict, they would have realized the best hopes of their country and general.

"I believe I may say that the destruction of this place with the possession of St. Marks, having on the night of the 18th captured the late Lieutenant Ambrister, of the British marine corps, and, as represented by Arbuthnot, successor to Woodbine, will end the Indian war, for the present, and should it be renewed, the position taken, which ought to be held, will enable a small party to put it down promptly.

"I shall order, or take myself a reconnoisance, west, of the Appalachicola, at Pensacola point, where I am informed, there are a few Red Sticks assembled, who are fed and supported by the governor of Pensacola. My health being impaired, as soon as this duty is performed, the positions taken, well garrisoned, and security given to the southern frontiers, (if the government have not active employment for me) I shall return to Nashville to regain my health. The health of the troops is much impaired, and I have ordered the Georgia troops to Hartford, to be mustered, paid, and discharged; the general having communicated his wishes, and that of his troops, to be ordered directly there, and reporting that they have a plenty of corn and beef, to subsist them to that point, I have written to the governor of Georgia, to obtain from the state, the necessary funds, to pay General Glascock's brigade when discharged, and that the government will promptly refund it. I am compelled to this mode to have them promptly paid, Mr. Hogan, the paymaster of the 7th

infantry, (for whom I received from Mr Brent an enclosure, said to contain $50,000,) not having reached me.

"From the information received from Ambrister, and a Mr. Cook, who was captured with him, that A. Arbuthnot's schooner was at the mouth of this river, preparing to sail for the bay of Tamper, my aid-de-camp, Lieutenant Gadsden, volunteered his services with a small detachment to descend the river and capture her; the importance of this vessel to transport my sick to St. Marks, as well as to destroy the means used by the enemy, induced me to grant his request; he sailed yesterday, and I expected to have heard from him this morning. I only await his report to take up the line of march on my return for St. Marks; the Georgia brigade, by whom I send this, being about to march, compels me to close it without the report of Lieutenant Gadsden."

From Fort St. Marks, 26th April, 1818, he continues:

"I wrote you from Bowlegs' Town on the 20th instant. On the night of the same day, I received the expected dispatch from my aid-de-camp, Lieutenant Gadsden, communicating the success of his expedition; and on the next day, as soon as the sick of my army were dispatched down the Suwaney river, to be conveyed in the captured schooner to St. Marks, I took up the line of march for that fort. I arrived at this place last evening, performing a march of 107 miles in less than five days. Lieutenant Gadsden had reached it a few hours before me. He communicates having found, among the papers of Arbuthnot, Ambrister, and Cook, letters, memorials, &c. &c., all pointing out the instigators of this savage war, and, in some measure, involving the British government in the agency. These will be forwarded you in a detailed report, I purpose communicating to you as early as practicable.

"The old woman spoken of in my last communication

to you, who promised to use her influence in having M'Queen captured and delivered up, has not been heard of. From signs discovered on the opposite shore of the St. Marks river, I am induced to believe, that the Indian party is still in this neighborhood. A detachment will be sent out to reconnoitre the country, to receive them as friends, if disposed to surrender, or inflict merited chastisement, if still hostile.

"I shall leave this in two or three days for Fort Gadsden, and after making all necessary arrangements for the security of the positions occupied, and detaching a force to scour the country west of the Appalachicola, I shall proceed direct for Nashville. My presence in this country can no longer be necessary. The Indian forces have been divided and scattered, cut off from all communication with those unprincipled agents of foreign nations, who had deluded them to their ruin. They have not the power, if the will remains, of again annoying our frontier."

From Fort Gadsden, 5th May, 1818, he writes:

"I returned to this post with my army on the evening of the 2d instant, and embrace an early opportunity of furnishing you a detailed report of my operations to the east of the Appalachicola river. In the several communications addressed you from Hartford, Fort Scott, and this place, I have stated the condition of the army on my assuming the immediate command; the embarrassment occasioned from the want of provisions; the privations of my troops on their march from the frontiers of Georgia; and the circumstances which compelled me to move directly down the Appalachicola river, to meet with and protect the expected supplies from New Orleans. These were received on the 25th March, and on the next day I was prepared for active operations. For a detailed account of my movements from that period to this day, you

are respectfully referred to the report prepared by my adjutant general, accompanied with Capt. Hugh Youngs' topographical sketch of the route and distance performed. This has been principally a war of movements: the enemy, cut off from their strong holds, or deceived in the promised foreign aid, have uniformly avoided a general engagement. Their resistance has generally been feeble; and in the partial rencounters, into which they seem to have been involuntarily forced, the regulars, volunteers, and militia, under my command, realized my expectations; every privation, fatigue, and exposure, was encountered with the spirit of soldiers, and danger was met with a degree of fortitude calculated to strengthen the confidence I had reposed in them.

"On the commencement of my operations, I was strongly impressed with a belief, that this Indian war had been excited by some unprincipled foreign or private agents. The outlaws of the old Red Stick party had been too severely convinced, and the Seminoles were too weak in numbers to believe, that they could possibly, alone, maintain a war with even partial success against the United States. Firmly convinced, therefore, that succor had been promised from some quarter, or that they had been deluded into a belief that America dare not violate the neutrality of Spain, by penetrating to their towns, I early determined to ascertain these facts, and so direct my movements, as to undeceive the Indians. After the destruction of the Mickasukian villages, I marched direct for St. Marks: the correspondence between myself and the Spanish commandant, in which I demanded the occupancy of that fortress with an American garrison, accompanies this. It had been reported to me, direct from the governor of Pensacola, that the Indians and negroes, unfriendly to the United States, had demanded of the commandant of St. Marks a supply of ammunition, munitions of war, &c.,

threatening in the event of a noncompliance to take possession of the fort. The Spanish commandant acknowledged the defenceless state of his fortress, and his inability to defend it; and the governor of Pensacola expressed similar apprehensions. The Spanish agents throughout the Floridas had uniformly disavowed having any connexion with the Indians, and acknowledged the obligations of his catholic majesty, under existing treaties, to restrain their outrages against the citizens of the United States. Indeed they declared that the Seminole Indians were viewed as alike hostile to the Spanish government, and that the will remained, though the power was wanting, to inflict merited chastisement on this lawless tribe. It was, therefore, to be supposed, that the American army, impelled by the immutable laws of self-defence, to penetrate the territory of his catholic majesty, to fight his battles, and even to relieve from a cruel bondage, some of his own subjects, would have been received as allies, hailed as deliverers, and every facility afforded to them to terminate speedily and successfully this savage war. Fort St. Marks could not be maintained by the Spanish force garrisoning it. The Indians and negroes viewed it as an asylum, if driven from their towns, and were preparing to occupy it in this event. It was necessary to anticipate their movements, independent of the position being deemed essential as a depot, on which the success of my future operations measurably depended. In the spirit of friendship, therefore, I demanded its surrender to the army of the United States, until the close of the Seminole war. The Spanish commandant required time to reflect; it was granted; a negotiation ensued, and an effort made to protract it to an unreasonable length. In the conversations between my aid-de-camp, Lieutenant Gadsden, and the Spanish commandant, circumstances transpired, convicting him of a disposition to favor the

Indians, and of having taken an active part in aiding and abetting them in this war. I hesitated, therefore, no longer, and as I could not be received in friendship, I entered the fort by violence. Two light companies of the 7th regiment infantry, and one of the 4th, under the command of Major Twiggs, was ordered to advance, lower the Spanish colors, and hoist the star spangled banner, on the ramparts of Fort St. Marks. The order was executed promptly, no resistance attempted on the part of the Spanish garrison. The duplicity of the Spanish commandant of St. Marks, in professing friendship towards the United States, while he was actually aiding and supplying her savage enemies; throwing open the gates of his garrison to their free access; appropriating the king's stores to their use; issuing ammunition and munitions of war to them; and knowingly purchasing of them property plundered from the citizens of the United States, is clearly evinced by the documents accompanying my correspondence. In Fort St. Marks, as an inmate in the family of the Spanish commandant, an Englishman, by the name of Arbuthnot, was found. Unable satisfactorily to explain the objects of his visiting this country, and there being a combination of circumstances to justify a suspicion that his views were not honest, he was ordered in close confinement. The capture of his schooner, near the mouth of Suwaney river, by my aid-de-camp, Mr. Gadsden, and the papers found on board, unveiled his corrupt transactions, as well as those of a Captain Ambrister, late of the British colonial marine corps, taken as a prisoner near Bowlegs' town. Those individuals were tried, under my orders, by a special court of select officers; legally convicted as exciters of this savage and negro war, legally condemned, and most justly punished for their iniquities. The proceedings of the court martial in this case, with the volume of testimony, justifying their condemnation,

presents scenes of wickedness, corruption, and barbarity, at which the heart sickens, and in which, in this enlightened age, it ought not scarcely to be believed that a Christian nation would have participated; and yet the British government is involved in the agency. If Arbuthnot and Ambrister are not convicted as the authorized agents of Great Britain, there is no room to doubt, but that that government had a knowledge of their assumed character, and was well advised of the measures which they had adopted to excite the negroes and Indians in East Florida, to war against the United States. I hope the execution of these two unprincipled villains will prove an awful example to the world, and convince the government of Great Britain, as well as her subjects, that certain, if slow, retribution awaits those unchristian wretches, who, by false promises, delude and excite an Indian tribe to all the horrid deeds of savage war.

"Previous to my leaving Fort Gadsden, I had occasion to address a communication to the governor of Pensacola, on the subject of permitting supplies to pass up the Escambia river to Fort Crawford. This letter, with a second from St. Marks, on the subject of some United States clothing, shipped in a vessel in the employ of the Spanish government, to that post, I now enclose, with his reply. The governor of Pensacola's refusal of my demand, cannot but be viewed as evincing a hostile feeling on his part, particularly in connexion with some circumstances reported to me from the most unquestionable authority. It has been stated, that the Indians at war with the United States, have free access into Pensacola; that they are kept advised from that quarter of all our movements; that they are supplied from thence with ammunition and munitions of war, and that they are now collecting in large bodies to the amount of 4 or 500 warriors in that city. That inroads from thence have lately

been made on the Alabama, in one of which 18 settlers fell by the tomahawk. These statements compel me to make a movement to the west of the Appalachicola, and should they prove correct, Pensacola must be occupied with an American force, and the governor treated according to his deserts, or as policy may dictate. I shall leave strong garrisons in Fort St. Marks, Fort Gadsden, and Fort Scott; and in Pensacola, should it become necessary to possess it.

"It becomes my duty to state it as my confirmed opinion, that so long as Spain has not the power, or will, to enforce the treaties by which she is solemnly bound to preserve the Indians within her territory at peace with the United States, no security can be given to our southern frontier without occupying a cordon of posts along the sea shore. The moment the American army returns from Florida, the war hatchet will be again raised, and the same scenes of indiscriminate murder, with which our frontier settlers have been visited, will be repeated. So long as the Indians within the territory of Spain are exposed to the delusions of false prophets, and the poison of foreign intrigue; so long as they can receive ammunition, munitions of war, &c., from pretended traders, or Spanish commandants, it will be impossible to restrain their outrages. The burning of their towns, the destroying of their stock and provisions, will produce but temporary embarrassments; resupplied by Spanish authorities, they may concentrate or disperse at will, and keep up a lasting predatory warfare against the frontiers of the United States, as expensive as harassing to her troops. The savages, therefore, must be made dependent on us, and cannot be kept at peace without being persuaded of the certainty of chastisement being inflicted on the commission of the first offence.

"I trust, therefore, that the measures which have been

pursued will meet the approbation of the president of the United States. They have been adopted in pursuance of your instructions, under a firm conviction that they alone were calculated to insure 'peace and security to the southern frontier of Georgia.'"

From Fort Montgomery, June 2d, 1818, he writes:

"In a communication to you of the 5th of May, I detailed at length the operations of my army up to that period. Leaving a strong garrison of regulars in Forts Scott and Gadsden, I resumed my march, with a small detachment of the 4th regiment of infantry, one company of artillery, and the effectives of the Tennessee volunteers, the whole not exceeding twelve hundred men, to fulfill my intentions, communicated to you, of scouring the country west of the Appalachicola river. On the 10th of May, my army crossed that river at the Ochesee village, and after a fatiguing, tedious, and circuitous march of 12 days, misled by the ignorance of our pilots, and exposed to the severest of privations, we finally reached and effected a passage over the Escambia. On my march, on the 23d of May, a protest from the governor of Pensacola was delivered me by a Spanish officer, remonstrating, in warm terms, against my proceedings, and ordering me and my forces instantly to quit the territory of his catholic majesty, with a threat, to apply force, in the event of a non-compliance. This was so open an indication of a hostile feeling on his part, after having been early and well advised of the object of my operations, that I hesitated no longer on the measures to be adopted. I marched for, and entered Pensacola, with only the show of resistance, on the 24th of May. The governor had previously fled to Fort Carlos de Barrancas, where it was said he had resolved upon a most desperate resistance. A correspondence ensued between us, detailing at length my motives for wishing, and demanding, that Pensacola

and its dependencies be occupied with an American garrison. The package, marked B, are documents substantiating the charges, in part, against the conduct of the Spanish governor, having knowingly and willingly admitted the savages, avowedly hostile to the United States, within the town of Pensacola. The peaceable surrender of the fort at the Barrancas was denied. I marched for, and invested it, on the evening of the 25th of May, and on the same night, pushed reconnoitering parties under its very guns. On the morning of the 26th, a military reconnoisance was taken; and on the same night, a lodgment was made, under a fire from the Spanish garrison, by Captain Gadsden, of the engineers, aided by Captains Call and Young, on a commanding position, within three hundred and eighty-five yards of the Spanish work, and a nine pounder mounted. A howitzer battery was simultaneously established on the capitol, and within seven hundred and sixty yards of the fort, at day light on the 27th. The Spanish garrison opened their artillery on our batteries; a parley was sounded, a flag sent in, and the surrender of Fort Carlos de Barrancas again demanded; the favorable positions obtained were pointed out, and the inutility of resistance urged. Anxious to avoid an open contest, and to save the effusion of blood, the same terms previously offered, were again tendered. They were rejected, and offensive operations recommenced. A spirited and well directed fire was kept up the greater part of the morning, and at intervals during the afternoon. In the evening, a flag was sent from the Spanish commandant, offering to capitulate, and a suspension of hostilities was granted, until 8 o'clock next day, when articles of capitulation were signed and agreed to. The terms are more favorable than a conquered enemy would have merited; but, under the peculiar circumstances of the case, my object obtained, there was no

motive for wounding the feelings of those, whose military pride or honor had prompted to the resistance made The articles, with but one condition, amount to a complete cession to the United States, of that portion of the Floridas hitherto under the government of Don Jose Masot.

"The arrangements which I have made to secure Pensacola, and its dependencies, are contained in the general orders. I deemed it most advisable to retain, for the present, the same government to which the people had been accustomed, until such time as the executive of the United States may order otherwise. It was necessary however, to establish the revenue laws of the United States, to check the smuggling which had been carried on successfully in this quarter, for many years past, and to admit the American merchant to an equal participation in a trade, which would have been denied under the partial operations of the Spanish commercial code. Captain Gadsden was appointed by me collector, and he has organized and left the department in the charge of officers, on whom the greatest confidence may be reposed.

"Though the Seminole Indians have been scattered, and literally so divided and reduced, as no longer to be viewed as a formidable enemy; yet as there are still many small marauding parties, supposed to be concealed in the swamps of the Perdido, Choctawhatchey, and Cha pouley, who might make occasional and sudden inroads on our frontier settlers, massacring women and children, I have deemed it advisable to call into service for six months, if not sooner discharged, two companies of volunteer rangers, under Captains M'Gird and Boyles, with instructions to scour the country between the Mobile and Appalachicola rivers, exterminating every hostile party who dare resist, or will not surrender, and remove with their families above the 31st degree of latitude.

"The Semino e war may now be considered as at a close, tranquillity again restored to the southern frontier of the United States, and as long as a cordon of military posts is maintained along the Gulf of Mexico, America has nothing to apprehend from either foreign or Indian hostilities. Indeed sir, to attempt to fortify, or protect an imaginary line, or to suppose that a frontier on the 31st degree of latitude, in a wilderness, can be secured by a cordon of military posts, while the Floridas lie open to an enemy, is visionary in the extreme.

"Under this firm belief, I have bottomed all my operations. Spain had disregarded the treaties existing with the American government, or had not power to enforce them. The Indian tribes within her territory, and which she was bound to keep at peace, had visited our citizens with all the horrors of savage war; negro brigands were establishing themselves, when and where they pleased; and foreign agents were openly and knowingly practicing their intrigues in this neutral territory.

"The immutable principles therefore of self-defence, justified the occupancy of the Floridas, and the same principles will warrant the American government in hold ing it, until such time as Spain can guaranty, by an adequate military force, the maintaining her authority within the colony.

"At the close of a campaign which has terminated so honorably and happily, it gives me pleasure to express my approbation, generally, of the officers and soldiers of every species of corps, which I have had the honor to command. The patience with which they endured fatigue, and submitted to privations, and the determination with which they encountered, and vanquished every difficulty, is the strongest indication of the existence of that patriotic feeling, which no circumstances can change, and of that irresistible ardor in the defence of his country,

which will prove her strength and bulwark under any experience. I should do violence to my feelings, if I did not particularly notice the exertions of my quartermaster general, Col. George Gibson, who, under the most embarrassing circumstances, relieved the necessities of my army, and to whose exertions was I indebted for the supplies received. His zeal and integrity, in this campaign, as well as in the uniform discharge of his duties since his connexion with my staff, merits the approbation and gratitude of his country."

CHAPTER XV.

General Jackson returns to Nashville—His reception—Cession of the Floridas to the United States—General Jackson appointed governor of them—Delicacy of his situation—His proclamation to the people—Spanish officers—Colonel Callava—His measures in relation to them justified.

HAVING closed the Seminole campaign, General Jackson prepared to leave Florida for Nashville. He arrived there in June, and was received by his fellow-citizens with their accustomed cordiality and respect. From this period till the summer of 1821, nothing occurred particularly worthy of remark. In August of that year, Florida was by treaty to be ceded to the United States. By act of congress of the 3d March of the same year, the president was authorized to appoint a governor of East and West Florida, and the person so appointed was vested with all the military, civil, and judicial powers, exercised by the existing government of the same. In virtue of this act, Mr. Monroe, on the 10th of March, commissioned General Jackson, and vested him with "all the power and authority heretofore exercised by the governor and captain general and intendant of Cuba, and by the governors of East and West Florida."

At the time designated, General Jackson proceeded to Florida, and commenced the duties of his appointment. What were the extent of the powers given him is unknown, because they were undefined, and are believed to

be limited by the absolute and undisputed will of the governor himself. But the general has not left to conjecture his own opinions of those powers, nor of the manner in which they were exercised; for in a case which came before the judiciary for decision, during the administration of his government, and excited much interest, before the opinion of the court was pronounced on the question of jurisdiction, Governor Jackson, according to Mr. H. Niles, made several remarks worthy of himself, and which deserved to be recorded; but that the following was so perfectly characteristic, that, as the editor of a public journal, he should have been inexcusable in withholding it from his readers. And it does indeed do honor to the lofty patriotism of the American hero. He said, "I am clothed with powers, that no one, under a republic, ought to possess, and which I trust will never again be given to any man. Nothing will afford me more happiness than to learn that congress, in its wisdom, shall have distributed them properly, and in such manner as is consonant to our earliest and dearest impressions; yet as I hold these powers by the authority of an act of congress, and commissioned from the president of the United States, it therefore becomes my imperious duty to discharge the sacred trust imposed on me, according to my best abilities, even though the proper exercise of the powers given might involve me in heavy personal responsibilities. I has been my fortune to be thus circumstanced, in my various relations as a public servant; yet I never have, nor never will I, shrink from the discharge of my public duties, from any apprehension of personal responsibility.

The delicacy of General Jackson's situation, as governor of Florida, are discoverable from the foregoing extract. Several acts of General Jackson while he was governor of Florida have rendered him obnoxious to censure; particularly his proclamation requiring the Spanish

officers to leave Pensacola, and his prompt and justifiable proceedings in the case of Colonel Callava. The persons banished were not citizens of Florida. They were Spanish officers, who, by the treaty negotiated by Mr. Adams, were required to leave the territory. By the courtesy of Governor Jackson, they were permitted to remain in Pensacola after the period designated by the treaty for their departure, and the cause of the order, commanding them to leave the territory, was a contempt of the judicial character of Governor Jackson in the case of Callava.

We regret that our limits will not admit of transferring to these pages the letter of Governor Jackson to the secretary of state, explanatory of his measures in the cases under consideration. The following proclamation, however, made by him to the citizens of Florida, is full of interest, as is also the subjoined defence of Governor Jackson by Mr. Adams, then secretary of state, in his letter to Don Joaquin d'Anduaga, and although it is a somewhat lengthy detail, yet our readers will recollect that brevity is a sin of which Mr. Adams was never guilty, and we believe that on a perusal of his admirable defence of Governor Jackson, they will not wonder at our disinclination to curtail a production which does him honor.

Governor Jackson's proclamation to the citizens of the Floridas is as follows :

"The temporary organization of the government of these provinces, according to the act of congress of the last session, and to the powers conferred on me, by the president of the United States, I have the satisfaction to announce, is now complete. If it possess imperfections, or defects, the reflecting man will make due allowance, when he considers, that its duration will be but short, and that it is the best that circumstances would permit, taking into view the difficulties I have had to encounter. Where

the rule or law is certain, I have considered it my duty to follow it strictly, but where this has not been the case, I have endeavored to make the best provisions, in my power, believing that government of some kind was absolutely necessary. It is my sincere hope, that this subject will attract the earliest attention of the congress of the United States, and that the inhabitants of these provinces will be relieved from the state of uncertainty and doubt, which at this moment must necessarily prevail.

"In the organization of the present temporary government, and its execution, I have kept steadily in view the securing to the inhabitants of the Floridas all the privileges and immunities guarantied to them by the treaty.

"The principal of these is the protection of their persons, property, and religion, until they shall be incorporated into the union, and become entitled to all the privileges and immunities of citizens of the United States.

"In performing this important part of my functions, I have endeavored to pursue the spirit of our political institutions. I have made no discrimination of persons; my house has been surrounded by no guards; no one has been kept at a distance by repulsive formalities; all have had free admission, and found a ready ear when they required my aid for the protection of their rights.

"The American government, at the same time that it is the freest, is perhaps the strongest in the world; because the most wealthy and most powerful in society are as weak in opposition to it, as the most humble and obscure. It knows no distinction between an ex-governor and a peasant. In the course of my short administration, one case has unfortunately occurred, which required the exertion of that authority, which is no respecter of persons.

"That the necessity should have existed has occasioned me pain and regret; and especially as it has been misun-

derstood by some of the inhabitants of this country, from a want of a sufficient acquaintance with the facts of the case, as well as with the character and principles of our government. It was my duty, under the treaty, exercising the government in the Floridas, to secure to the inhabitants all the evidence of their right of property. The improper conduct of the captain general of Havana, in withholding documents, or archives of this nature, from an agent expressly sent to receive them, increased the necessity of vigilance on my part. It was made known to me, by satisfactory evidence, that there were documents of this character in the hands of an individual here, and that these documents were necessary to establish the right of property in this country.

" The fact ascertained, my duty was clear, and no alternative was left me.

" That individual was ordered to surrender them, so that in pursuance of the second article of the treaty, and of my proclamation, the inhabitants might be secured in their right of property. The individual thus ordered to deliver them, instead of obeying, as he ought, the commands of the government, under which he was protected, and which could know no superior, excepting the congress or president of the United States, shifted them into the hands of the person who lately administered the government of this province, and who had been authorized by the captain general to surrender the country agreeably to the stipulations of the treaty. This person, whether from misapprehension or from worse motives, considered himself not responsible for any act of his to the government of the Floridas, and appeared entirely insensible to the impropriety *of not having made a delivery of these documents of his own accord.* Whatever diplomatic privileges he might have been entitled to, these privileges had ceased upon the surrender of this country, and he was not known

to me, or recognized as having any other rights than those of a common individual. It was not enough *for him* to consider himself a public agent of the king of Spain, and reside here for the purpose of transacting official business with the agents of the United States, but it was necessary that he should have made known the object and purpose of his stay; had he done so, he would have been informed at once by me, that my own functions having ceased as commissioner, no one but the president of the United States had any power to give him permission to remain here as a diplomatic *agent, enjoying the privileges of a foreign minister.* The natural consequences of his conduct are too well known, and need not be detailed.

"With the exception of this solitary instance, I feel the utmost confidence in saying that nothing has occurred, notwithstanding the numerous cases in which I have been called upon to interpose my authority, either in a judicial or executive capacity, to occasion any thing like distrust, discontent, or want of confidence; and I cheerfully take this occasion to express my satisfaction, with the peaceful, obedient, and orderly conduct of all those, whose allegiance has been transferred to the United States, by the cession of the country. It is true, the recent occurrence, connected with the one referred to, has compelled me to take measures I conceived necessary for the character, dignity, and harmony of the government I administer and which at the same time, were the mildest the circumstances would admit. I allude to the conduct of a number of Spanish officers, remaining here after the cession, without my permission, but which would certainly not have been withheld from them, so long as they demeaned themselves respectfully to the existing authorities, and refrained from any improper interference with the measures of the government. This respect is due from foreign officers in all countries—their situation is materially dif-

ferent from that of other aliens, and their conduct ought therefore to be more circumspect. In the United States, those are severely punished, who are guilty of writing in a libelous manner of proceedings in courts of justice. For what tends to bring the judiciary into disrepute, shakes the public confidence in that part of the government that is looked upon as the most sacred depository of individual rights. Hence, in both these points of view, without noticing the singular conduct of the Spanish officers, acting as if they considered themselves a distinct and separate body—an *imperium in imperio*—they were guilty of great indiscretion and impropriety in publishing a most indecent libel against the judiciary proceedings of the highest tribunal in the Floridas. Had I consulted my personal feelings, having entertained a favorable opinion of some of them, and enmity to none, I should have been disposed to have suffered the act to sink into oblivion. But the dignity and honor of the government forbade that conduct so outrageous should pass unnoticed. I might appeal to those very persons, and ask what would be the consequences if a band of American officers should offer such an insult to the government of a Spanish province? But the inhabitants of the Floridas may rest assured that whatever may be the impropriety or imprudence of some, it will have no effect upon my feelings towards the rest—the innocent will not be confounded with the guilty, and all will continue to experience the same protection and respect for their rights which has heretofore been extended, provided they demean themselves with that propriety which becomes every good citizen and subject: and should any of them, under the influence of momentary passion or feeling, be dissatisfied with the measures I have pursued, on a return of their sober judgment, I feel confident they will be compelled to approve."

The following is Mr. Adams' defence of General

Jackson's administration of the government of the Floridas, in his letter to Don Joaquin d'Anduagua :

" In the letters which I had the honor of writing you, on the 2d of November, and 31st of December last, you were informed that a definitive answer to the complaints against certain proceedings of General Andrew Jackson, while governor of Florida, which were contained in a letter to this department from Don Hilario de Rivas y Salmon, before your arrival in this country, and in your letters of the 18th and 22d of November, would be given after the substance of those complaints should have been made known to General Jackson, and his explanations of the motives and considerations by which he had been governed in adopting the measures complained of, should have been received.

" In performing this promise, I am commanded by the president of the United States to repeat the assurance of his deep regret, that the transactions, which formed the subject of these complaints, should ever have occurred, and his full conviction, upon a review of all the circumstances which have attended them, that they are attributable entirely to the conduct of the governor and captain general of Cuba, and of the subordinate officers of Spain, in evading and refusing the fulfillment of the most express and positive stipulations of the treaty, both of evacuating the province within six months from the exchange of the ratifications of the treaty, and of delivering the archives and documents relating directly to the property and sovereignty of the provinces.

" At the time of the exchange of the ratifications of the treaty, your predecessor, General Vives, delivered an order from his catholic majesty to the captain general and governor of the island of Cuba, *and of the Floridas*, informing him of the cession to the United States of that part of the provinces of which he was the governor, that was

situated on this continent, and instructing him as follows:

"'I command you, and ordain, that, after the information which shall be seasonably given you by my minister plenipotentiary and envoy extraordinary at Washington, of the ratifications having been exchanged, you proceed, on your part, to make the proper dispositions, in order that, at the end of six months, counting from the date of the exchange of the ratifications, *or sooner if possible*, the Spanish officers and troops may evacuate the territories of both Floridas, and that possession of them to be given to the officers or commissioners of the United States, *duly authorized to receive them.* You shall arrange, in proper time, the delivery of the islands adjacent and dependent upon the two Floridas, and the public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings, which are not private property; as also the archives and documents which relate directly to the property and sovereignty of the same two provinces, by placing them at the disposal of the commissaries or officers of the United States, *duly authorized to receive them.*'

"This order, thus clear and explicit, was dispatched, together with letters from General Vives, to the governor of Cuba and the Floridas, notifying him of the exchange of the ratifications of the treaty, by Col. James G. Forbes, who was commissioned, 'as agent and commissary of the United States, to deliver to him the royal order, to arrange and concert with him, conformably to instructions committed therewith, the execution of the above stipulations, and to receive from the said governor and from any and every person possessed of the said archives and documents, all and every one of the same, and to dispose thereof in the manner prescribed by his instructions.' Colonel Forbes' authority, thus, was to *receive* the documents and archives, and to *concert and arrange* with the

governor of the Floridas, the *delivery* of those provinces, which General Jackson was commissioned to receive, take possession of, and occupy, and of which he was further commissioned to be the governor, when surrendered to the United States.

"The royal order was delivered by Colonel Forbes to the governor of the Floridas, at the Havana, on the 23d of April, 1821. There has been shown by that governor no cause or reason which could justly have required him to delay the delivery of the documents and archives, and the arrangements for the delivery of the provinces, beyond the term of a single week. There were *twenty* boxes of those archives and documents; the whole, or with very few exceptions the whole of which, ought, by the positive stipulation of the treaty, and by the express order of the king of Spain, to have been immediately delivered to Colonel Forbes. Not one of them was delivered to him; nor has one of them been delivered to this day.

"The orders for the surrender of the provinces were delayed from day to day, notwithstanding the urgent and continual solicitations of Colonel Forbes, for the term of six weeks, at the end of which, to avoid further indefinite procrastination, he was compelled to depart without receiving the archives and documents, but, with repeated promises of the governor, that they should be transmitted to this government—promises which have remained to this day unperformed.

"The orders for the delivery of the provinces themselves, were not only thus unreasonably withheld, but when made out, though not furnished to Colonel Forbes till the last week in May, were made to bear date on the fifth of that month: nor were they prepared conformably to the stipulation of the treaty, or to the royal order of his catholic majesty; for, instead directing the surrender to be made to the commissioners or officers of the United States, *duly*

authorized to receive them, the instruction to the commanders in East and West Florida was to deliver those respective provinces to Colonel Forbes himself, who had from the United States no authority to receive them. And although expressly advised of this fact by Colonel Forbes, with the request that the orders of delivery might be amended, and made conformable to the treaty, and to the royal command, Governor Mahy did not so amend it, but reduced Colonel Forbes to the alternative of submitting to further delays, or of departing with an imperfect and ambiguous order of delivery of West Florida, authorizing its surrender to the legally constituted authorities of the United States, (that is, as Governor Mahy well knew, to General Andrew Jackson,) only, in case of any accident happening to Colonel Forbes, when he still affected to consider, notwithstanding his own express declaration to the contrary, as the commissioned agent of the United States to that effect.

"The twenty boxes of documents and archives, which were at the Havana, as has been mentioned, had been transmitted thither from Pensacola; and contained all the most important records of property in West Florida. The possession of them was in the highest degree important to the United States, not only as the vouchers of individual property, but as protecting guards against the imposture of fraudulent grants.

"The same persevering system of withholding documents which it was their duty to deliver, has marked, I am deeply concerned to say, the conduct of both the commanders of East and West Florida, who were charged, respectively, to deliver those provinces to the United States. It is to this cause, and to this alone, as appears from a review of all the transactions of which you have complained, that must be traced the origin of all those severe measures which General Jackson himself was the first, while deem-

ing them indispensable to the discharge of his own official duties, to lament. Charged as he was with the trust of receiving the provinces in behalf of the United States, of maintaining their rights of property within them, of guarding them to the utmost of his power from those frauds to which there was too much reason to apprehend they would be liable, and to which the retention of the documents gave so great and dangerous scope; intrusted, from the necessity of the case, during the interval of time, while the general laws of the United States remained unextended to the provinces, with the various powers which had, until that time, been exercised by the Spanish governors, and which included the administration of justice between individuals; it was impossible that he should not feel the necessity of exercising, under circumstances thus exasperating and untoward, every authority committed to him by the supreme authority of his country, to preserve inviolate, so far as on him depended, the interests of that country, and the sacred obligations of individual right.

"In the proceedings connected with the delivery of the province, he had as little reason to be satisfied with the conduct of Colonel Callava, as with that of the captain general. On a plea of indisposition, that officer had, on the day of the surrender, evaded the performance of a solemn promise, which General Jackson had considered an indispensable preliminary to the act; and afterwards the colonel positively declined its fulfillment. He had, however, completed the surrender of the province with which he had been charged. He had declined producing to General Jackson any credential as a commissioner for performing that act; but had informed him that he should make the surrender as the commanding officer of the province, by virtue of orders from his superior. This service had been consummated; and Colonel Callava, whom General Jackson had formerly notified that he had closed

with him his official correspondence forever, was bound, by the special stipulations of the treaty, to have evacuated, as one of the Spanish officers, the province, before the 22d of August. If General Jackson had, in courtesy to Colonel Callava, considered him, notwithstanding his own disclaimer of the character, as a *commissioner*, for the delivery of the province, there can be no pretence that he was entitled to special privileges under it, after he had avowedly performed all its duties; after he had been informed by General Jackson that their official correspondence was finally closed; and after the date when, by the positive engagements of the treaty which he was to execute, he was bound to have departed from the province. From the time when his functions for the surrender of the province were discharged, he could remain in Pensacola no otherwise than as a private unprivileged individual, amenable to the duly constituted American authorities of the place, and subject to the same control of General Jackson, as a private citizen of the United States would have been to that of the governor of the Floridas, before the surrender had taken place.

"That this was the opinion of Colonel Callava himself, and of his friends who applied to Judge Fromentine for the writ of *habeas corpus*, to rescue him from the arrest under which he was placed by the order of General Jackson, is apparent from their conduct on that occasion. It is stated by Judge Fromentine, that before granting the supposed writ of *habeas corpus*, he required that Colonel Callava should enter into a recognizance for twenty thousand dollars, with two securities, each for the amount of ten thousand dollars; the condition of which recognizance was, that Colonel Callava should personally be and appear before the judge of the United States for West Florida, &c., whenever required so to do; that he should not depart from the city of Pensacola, without the leave of the said

court, nor send away, remove, or otherwise dispose of, unknown to the said court, any of the papers in question. It was only upon the promise of his friends that this recognizance should be executed, that Judge Fromentine consented to issue the writ of *habeas corpus;* and this recognizance renounces in fact every pretension of exemption from the judicial authority of the country; and consequently of the diplomatic privileges of a commissioner.

"It has been seen that the most important documents relating to the property of West Florida had been transmitted to the Havana; there remained, however, a portion of them, particularly of judicial records, relating to the titles of individual property. Some of these Colonel Callava did deliver up with the province; others, of the same description and character, indispensable for the administration of justice in the province, and useless at the Havana, whither it was his intention to have transported them, were retained; not in his possession, but in that of Don Domingo Sousa, a Spanish officer, who, by the stipulation of the treaty, ought also to have departed from the province before the 22d of August.

"The day immediately preceding that date, the alcaid of Pensacola, at the suit of a woman, in a humble walk, indeed, of life, but whose rights were, in the eye of General Jackson, equally entitled to his protection with those of the the highest rank, or the most commanding opulence, had represented to him that a number of documents, belonging to the alcaid's office, and relating to estates at that place, and to suits there instituted, were in the possession of Domingo Sousa; that the necessity for obtaining possession of those documents was urgent, and therefore she requested the governor to authorize some one to make a regular demand of them, and to ascertain what they were. Governor Jackson, accordingly, forthwith commissioned the secretary of the territory, the alcaid of Pensacola himself,

and the clerk of the county court of Escambia, to proceed to the dwelling of Sousa, to make demand of all such papers or documents, belonging to the alcaid's office, as might be in his possession; and in case of Sousa's refusal to exhibit or deliver the same, immediately to report the fact to him, the governor, in writing. These commissioners the next day reported to the governor that they had examined the papers in the possession of Sousa; that they had found among them four sets of papers of the kind which belonged to the office of the alcadi, and among them those in which the woman, from whom the first application had proceeded, was interested; that they had, both verbally and in writing, demanded of him the delivery of those documents, which no private individual had a right to keep, as they related to the rights of persons holding or claiming property in the province; but that Sousa had refused to deliver them, alleging that he was but the servant of Colonel Callava, and could not deliver them without his order. In the transactions of Sousa, on this occasion, is manifested the same consciousness that the claim of diplomatic privilege, set up by Colonel Callava, to screen him from the operation of the authority of Governor Jackson, was without foundation. For, although he refused to deliver up the papers, conformably to the governor's command, he submitted to the examination of them by the commissioners, in obedience to the same authority; and though he declined receiving from them the letter demanding the delivery of the papers, he told them, that to relieve himself from the responsibility of keeping them, he should deliver them to Governor Callava himself. They were accordingly sent to the house of Colonel Callava, and put into the possession of his steward Fullerat. It is clear, however, that, if the papers, while in Sousa's possession, were privileged from delivering up at the command of Governor Jackson, they were equally privileged

from examination by the same authority; and, if they were not lawfully screened from his process in the custody of Sousa, they could not be made so by removing them to the house of Colonel Callava. The truth is, that the removal of the documents, at that time, and in such a manner, was a high and aggravated contempt of the lawful authority of the governor. It not only claimed for Colonel Callava diplomatic immunities, but assumed that he was still the governor of the province, and that Sousa was amenable for his conduct only to him. Colonel Callava might, on the same pretence, have retained the whole body of the Spanish officers and troops under his command at Pensacola, and insisted on exercising over them all his extinguished authority, as governor and commander in chief, after the 21st of August, as he could to exercise any official authority within the province, over Domingo Sousa, or to extricate him from the lawful jurisdiction of Governor Jackson.

"It is under these circumstances that the subsequent measures of Governor Jackson are to be considered. He immediately issued an authority to Col. Robert Butler, and Col. John Miller, to seize the body of Sousa, together with the papers, and to bring them before him, that Sousa might answer such interrogatories as might be put to him, *and comply* with such order and decree, touching the said documents and records, *as the rights of the individuals, secured to them by the treaty, might require, and the justice of the case might demand.* By virtue of this order, Sousa was brought before Governor Jackson, and again recognized the authority under which he was taken, by answering the interrogatories put to him. But he had already put the papers and documents out of his possession; and thus, as far as was in his power, baffled the ends of justice, and set at defiance the lawful authority of the governor.

"In this transaction, Colonel Callava was avowedly the principal agent; and altogether unjustifiable as it was, whatever consequences of inconvenience to himself resulted from it, must be imputed to him. It was an undisguised effort to prostrate the authority of the United States in the province; nor had Governor Jackson any other alternative to choose, than tamely to see the sovereign power of his country, intrusted to him, trampled under foot, and exposed to derision by a foreigner, remaining there only upon his sufferance, or by the vigorous exercise of his authority to vindicate at once the rights of the United States, and the just claims of individuals to their protection.

"Governor Jackson could consider Colonel Callava in no other light than that of a private individual, entitled indeed, as the officer of a foreign power, to courtesy, but not to exemption from the process of the law. Notwithstanding his improper conduct, Governor Jackson, in the first instance, authorized Col. Butler and Dr. Bronaugh, accompanied by Mr. Brackenridge, the alcaid, to wait upon him and his steward, and demand from them the specified papers, which Sousa had declared, in his answer to the interrogatories to have been delivered to the steward at Governor Callava's house. It was only in case of the refusal to give up the papers, that the order extended to the seizure of the person of Colonel Callava, that he might be made to appear before Governor Jackson, to answer interrogatories, and to abide by, and perform, such order and decree as the justice of the case might demand. This demand was accordingly made, and although at the first moment peremptorily refused, yet, upon Colonel Callava's being informed that his refusal would be considered as setting at defiance the authority of the governor of the Floridas, and of the consequences to himself which must ensue upon his persisting therein, he de-

sired to be furnished with a memorandum setting forth the documents required, which was accordingly done. But when the delivery of the papers was again demanded of him, he repeated the refusal to deliver them, and attempted both to avoid the personal approach of Colonel Butler and Dr. Bronaugh, and to exhibit a resistance by force of arms to the execution of the governor's order. And it is not a little remarkable, that among the persons who appeared thus arrayed against the authority of the United States, to accomplish the denial and removal of the papers, was a man against whom the most important of those papers were judicial decisions of Governor Callava himself, in behalf of the orphan children, for the establishment of whose rights they were indispensably necessary, and at whose application they had been required.

"Standing thus, in open defiance to the operation of the law, Colonel Callava was taken before the governor; and there refusing to answer the interrogatories put to him, and asserting the groundless pretension of answering only as a commissioner, and by a protest against the acts of the governor, he was, by his order, committed to prison, until the documents should be delivered to the alcaid. On the next day, a search warrant for the papers was issued by the governor, upon which they were actually obtained, and directed to be delivered to the alcaid; whereupon, Colonel Callava was immediately released.

"In all these proceedings, you will perceive, sir, that not one act of rigor, or even of discourtesy towards Colonel Callava, was authorized by Governor Jackson, which was not indispensably necessitated for the maintenance of his authority, and the discharge of his official duty, by the unjustifiable and obstinate resistance of Colonel Callava himself.

"On a review of the whole transactions, I am instructed by the president of the United States to say, that he con-

siders the documents in question, as among those which, by the stipulation of the treaty, ought to have been delivered up, with the province, to the authorities of the United States; that they were, on the 22d of August, when in the possession of Domingo Sousa, within the jurisdiction of the United States, and subject to the control of their governor, acting in his judicial capacity, and liable to be compulsively produced by his order; that the removal of them from the possession of Sousa, after the governor's order to him to deliver them had been served upon him, could not withdraw them from the jurisdiction of Governor Jackson, and was a high and aggravated outrage upon his lawful authority; that the imprisonment of Colonel Callava was a necessary, though by the president deeply regretted, consequence, of his obstinate perseverance in refusing to deliver the papers, and of his unfounded claim of diplomatic immunities, and irregular exercise even of the authorities of a governor of Florida, after the authority of Spain in the province had been publicly and solemnly surrendered to the United States.

"That the documents were of the description of those which the treaty had stipulated should be delivered up with the province, is obvious, from the consideration of their character. They related to the property of lands in the province. They were judicial records, directly affecting the rights of persons remaining in the province; rights which could not be secured without them; rights over which the appellate tribunal of the governor of Cuba, to which Colonel Callava proposed to remove the papers, thenceforth could have no authority or control, they having become definitively subject to the jurisdiction of the United States. The only reason assigned by Colonel Callava for the pretension to retain them, is, that they related to the estate of a deceased Spanish officer, and had thereby been of the resort of the military tribunal.

But it was for the rights of the living, and not for the privileges of the dead, that the documents were to operate. The tribunal of the captain general of Cuba could neither need the production of the papers, nor exercise any authority over the subject-matter to which they related. To have transferred to the island of Cuba a question of litigated property, concerning land in Florida, between persons, all of whom were living, and to remain in Florida would have been worse than a mockery of justice. Indeed Mr. Salmon, in his note, appears to have been aware of the weakness of this allegation, declines the discussion of the question; and in justification of the refusal of Colonel Callava to deliver up the documents, merely rests its defence upon the plea, that the papers had not been demanded of him *officially*. It has been seen, that Colonel Callava had no official character which could then exempt him from the compulsive process of the governor. But Mr. Salmon alledges that the Spanish constitution, as well as that of the United States, separates the judicial from the executive power exercised by the governor or captain general of a province.

"Neither the constitution, nor the laws of the United States, excepting those relating to the revenue and its collection, and to the slave-trade, had at that time been extended to Florida.—And as little had the Spanish constitution been introduced there, in point of fact, however it might have been proclaimed. But be this as it may, the cause, in relation to which the documents required in the case of Vidal had been drawn up, and were needed, was one of those which, under the Spanish constitution itself, remained within the jurisdiction of the governor. This is declared by Colonel Callava himself, in the third observation of the appendix to his protest, transmitted with the letter of Mr. Salmon. It is the reason assigned by him for having withheld those documents from the al-

caid. And one of them was a judgment rendered by Colonel Callava himself, after the time when the proclamation of the Spanish constitution in the province is alledged to have been made. The cause therefore was, on every hypothesis, within the jurisdiction of the governor; the papers were indispensable for the administration of justice in the cause; and when once applied for. by a person entitled to the benefit of them, it was the duty, the inexorable duty, of Governor Jackson, to put forth all the authority vested in him, necessary to obtain them.

"Nor less imperative was his obligation to punish, without respect of persons, that contempt of his jurisdiction, which was manifested in the double attempt of Colonel Callava to defy his power, and to evade the operation of its process.

"With regard to the proclamation of General Jackson, of the 29th of September, commanding several Spanish officers, who, in violation of the stipulation of the treaty, had remained at Pensacola, after the expiration of the six months from the day of the ratification of the treaty, to withdraw, within four days, from the Floridas, which forms the subject of complaint in your letter of the 18th of November, it might be sufficient to say, that it did no more than enjoin upon those officers to do that which they ought before, and without any injunction, to have done. The engagement of the treaty was. that they should all have evacuated the province before the 22d of August.

"If they remained there after that time, it could only be as private individuals, amenable in every particular to the laws. Even this was merely an indulgence, which it was within the competency of General Jackson, at any time, to have withdrawn. From the extract of a letter from him, of which I have the honor of inclosing a copy, it will be seen, that he was far from being disposed to withdraw it, had they not, by their abuse of it, and by open

outrages upon his authority, forfeited all claims to its continuance.

"This extract furnishes a satisfactory answer to your question, why, if the fulfillment of the article was the object of the proclamation, it was confined to the eight officers, by name, and not extended to all other Spanish officers in the Floridas. It was because the deportment of the others was as became them, decent, respectful, and friendly towards the government, under the protection of which they were permitted to abide. In the newspaper publication, which gave rise to the proclamation of General Jackson, the Spanish officers avowedly acted, not as private individuals, but as a distinct body of men, speaking of Colonel Callava as *their chief*, *their superior;* and arrogating to themselves, as a sort of merit, the condescension of knowing what was due to a government (meaning the American government) which was on the most friendly footing with their own. This is language which would scarcely be proper for the embassador of one nation, upon the territory of another, to which he would owe not even a temporary allegiance. From persons situated as those Spanish officers were, it was language of insubordination and contempt.

"In alluding to the fact, that officers of the American squadron, in the Mediterranean, are sometimes received with friendly treatment on the territories of Spain, to make a case parallel with the present, it would be necessary to show, that some superior officer of the said squadron should, while enjoying the hospitality of the Spanish nation upon their shores, first attempt to evade and to resist, the operation of process from the constituted judicial tribunals of the country, and then pretend, as an American officer, to be wholly independent of them; and that some of his subalterns should not only countenance and support him in these attempts, but should affect to consider him,

while on Spanish ground, as their only superior and chief, and by unfounded and inflammatory publications in the daily journals, to arouse the people of Spain to revolt and insurrection against the judicial tribunal of their own country.

"If the bare statement of such a case would be sufficient to raise the indignation of every honorable Spaniard, let it be observed, that even this would be without some of the aggravations of the conduct of these Spanish officers at Pensacola. For such outrage would be far less dangerous, committed against old established authorities, which might rely upon the support of the whole people surrounding them, than in the presence of a people, whose allegiance had been just transferred to a new government, and when the revolt to which they were stimulated would seem little more than obedience to the authorities to which they had always been accustomed to submit.

"The very power which the Spanish governor and officers had exercised before the surrender of the province, ought to have been a most urgent warning to them to avoid every semblance of authority in themselves, or of resistance to that of the United States, after the transfer of the province had been completed.

"In forbearing particularly to reply to that part of your note, in which you think yourself authorized to pronounce the charge of General Jackson against these Spanish officers, of having attempted to excite discontent in the inhabitants, *false*, I shall barely express the hope, that the term was admitted into your communication inadvertently. The conduct of the officers, at the time of Colonel Callava's conflict with the authority of the governor, as well as in their insulting newspaper publication, was of a character and tendency too strongly marked, to leave a doubt of the truth with which it is described

in General Jackson's proclamation, and in passing unnoticed this and other mere invectives aflainst an officer, whose services to this nation have entitled him to their highest regard, and whose whole career has been signalized by the purest intentions and the most elevated purposes, I wish to be understood as abstaining from observations, which, however justified by the occasion, could but add to the unpleasantness of a discussion already sufficiently painful.

"That this conduct on the part of the Spanish officers was highly reprehensible, cannot reasonably be denied, and had General Jackson been disposed to animadvert upon it with severity, his course would undoubtedly have been that which you have pointed out as appropriate to the offence. They would have been cited before the proper tribunal, heard upon specific charges, allowed time and liberty to make their defence, and punished by commitment to prison. General Jackson preferred a milder—a more indulgent measure; and without prosecuting them as criminals, only withdrew from them the privilege of a protracted infraction of the treaty, by requiring them forthwith to depart from the province. To justify him in this requisition, neither arrest nor judicial trial was necessary or proper. The facts were of public notoriety, and could not be denied. The proclamation only required of them the execution of the treaty, by the removal of their persons. Had their conduct even been unexceptionable, this measure would have been within the undoubted authority of General Jackson. As their deportment had been, it was the most lenient exercise of his power practicable, to vindicate the insulted honor and justice of his country."

CHAPTER XVI.

General Jackson resigns the government of the Floridas—Is nominated by the Tennessee legislature for the presidency—Is elected to the senate of the United States—Lafayette visits him at the Hermitage—President elected by the house of representatives—Mr. Adams chosen—General Jackson again nominated—Resigns his seat in the senate in consequence—His address to the Tennessee legislature on that occasion—Visits various towns in Tennessee—His replies to addresses made to him by his fellow-citizens—Receives an invitation to attend the celebration of the 8th January at New Orleans—Description of that celebration.

General Jackson had for a long series of years been arduous and unremitting in his endeavors to serve his country, and his success in every attempt must have afforded him the richest consolations, as must also the demonstrations he every where met with, of the respect and gratitude of his countrymen. He wished for retirement, and as his country was in the enjoyment of peace and unrivaled prosperity, to the production of which he had so largely contributed, he could with honor to himself retire to private life, and in seclusion enjoy the fruits of his privations and hardships. This wish he expressed in a letter to the secretary of state. He accordingly resigned his government of the Floridas, and returned to Nashville.

He was not, however, permitted long to enjoy the repose he so much needed. In May, 1822, the legislature of Tennessee nominated him a candidate for the presidency of the United States. He was elected in the autumn of the same year to the United States senate. A new tariff was enacted the next session, which received his support.

The second term of office exercised by Mr. Monroe as president of the United States, was approaching its termination, and the question of his successor was at this period agitated with much bitterness of party spirit throughout the Union. The candidates were General Jackson and H. Clay, of the west, Messrs. Crawford and Calhoun, of the south, and J. Q. Adams, of the north. Concerning the merits of General Jackson's competitors for the presidency, it is not our province to comment. But we can say of General Jackson, that he was decidedly the popular candidate. The unyielding integrity of his character—the courage, ability, and lofty patriotism exhibited in a life of devotedness to the welfare of his country in seasons of her greatest peril—the prosperous security and renown which the energies of his mind and the prowess of his arm had achieved for her, were not without a grateful response from a large majority of his fellow-citizens. The proof of this was found in the result of the presidential canvass in 1824.

While the friends of the several candidates were pressing the claims of their respective favorites, General Lafayette made his memorable visit to the United States. The spontaneous bursts of gratitude with which he was every where received, are fresh in the recollection of every reader. The tour which he made of the United States brought him at length to Nashville, Tennessee. Levasseur, secretary to General Lafayette, during his journey through the United States, after speaking of the

cordial reception of the nation's guest by General Jackson and the inhabitants of Nashville, thus happily describes the visit of General Lafayette and suite, to the residence of General Jackson's upon the banks of the Cumberland.

"At one o'clock, we embarked with a numerous company, to proceed to dine with General Jackson, whose residence is a few miles up the river. We there found numbers of ladies and farmers from the neighborhood, whom Mrs. Jackson had invited to partake of the entertainment she had prepared for General Lafayette. The first thing that struck me on arriving at the general's, was the simplicity of his house. Still somewhat influenced by my European habits, I asked myself if this could really be the dwelling of the most popular man in the United States, of him whom the country proclaimed one of her most illustrious defenders; of him, finally, who by the will of the people was on the point of becoming her chief magistrate. One of our fellow-passengers, a citizen of Nashville, witnessing my astonishment, asked me, whether in France, our public men, that is to say, the servants of the public, lived very differently from other citizens? 'Certainly,' said I; 'thus, for example, the majority of our generals, all our ministers, and even the greater part of our subaltern administrators, would think themselves dishonored, and would not dare to receive any one at their houses, if they only possessed such a residence as this of Jackson's; and the modest dwellings of your illustrious chiefs of the revolution, Washington, John Adams, Jefferson, &c., would only inspire them with contempt and disgust. They must first have in the city an immense and vast edifice, called a hotel, in which two large families could live with ease, but which they fill with a crowd of servants strangely and ridiculously dressed, and whose only employment, for the most part,

is to insult those honest citizens who come on foot to visit their master. They must also have another large establishment in the country, which they call a chateau, and in which they accumulate all the luxuries of furniture, decorations, entertainments, and dress—in fact, every thing that can make them forget the country. Then they must have, to enable them to go from one to the other of these habitations, a great number of carriages, horses, and servants.' 'Very well,' interrupted the Tennessean, shaking his head as if in doubt, 'but who provides these public officers with all the money thus swallowed up in luxury, and how do the affairs of the people go on?' 'If you ask them, they will tell you that it is the king who pays them, although I can assure you that it is the nation, which is borne down by taxes for the purpose; as to business, it is both well and badly attended to, but generally the latter.' 'And why do you submit to such a state of things?' 'Because we cannot remedy it.' 'What! you cannot remedy it? A nation so great, so enlightened as the French, cannot prevent its officers, magistrates, and servants, from enjoying, at their expense, a scandalous and immoral luxuriousness, and at the same time not attending to their duties! whilst we, who have just assumed our name among nations, are enjoying the immense advantage of only having for magistrates, men who are plain, honest, laborious, and more jealous of our esteem than solicitous for wealth. Permit me to believe that what you have told is only pleasantry, and that you wished to amuse yourself for a moment with a poor Tennessean who has never visited Europe. But rest assured, that however ignorant we may be of what passes on the other side of the water, it is not easy to make us credit things which militate so strongly against good sense and the dignity of man.' Do what I could, I could never make this good citizen of Nashville believe that I was

not jesting, and was obliged to leave him in the belief that we were not worse governed in France than in the United States.

"General Jackson successively showed us his garden and farm, which appeared to be well cultivated. We every where remarked the greatest order, and most perfect neatness; and we might have believed ourselves on the property of one of the richest and most skillful of the German farmers, if, at every step, our eyes had not been afflicted by the sad spectacle of slavery. Every body told us that General Jackson's slaves were treated with the greatest humanity, and several persons assured us, that it would not surprise them, if, in a short time, their master, who already had so many claims on the gratitude of his fellow-citizens, should attempt to augment it still more, by giving an example of gradual emancipation to Tennessee, which would be the more easily accomplished, as there are in this state but 79,000 slaves in a population of 423,000, and from the public mind becoming more inclined than formerly to the abolition of slavery.

"On returning to the house, some friends of General Jackson, who probably had not seen him for some time, begged him to show them the arms presented to him in honor of his achievements during the last war; he acceded to their request with great politeness, and placed on a table, a sword, a sabre, and a pair of pistols. The sword was presented to him by congress; the sabre, I believe, by the army which fought under his command at New Orleans. These two weapons, of American manufacture, were remarkable for their finish, and still more so for the honorable inscriptions, with which they were covered. But it was to the pistols, that General Jackson wished more particularly to draw our attention; he handed them to General Lafayette, and asked him if he recognized them. The latter, after examining them atten-

tively for a few minutes, replied, that he fully recollected them, to be a pair he had presented in 1778 to his paternal friend Washington, and that he experienced a real satisfaction in finding them in the hands of one so worthy of possessing them. At these words the face of old Hickory was covered with a modest blush, and his eye sparkled as in a day of victory. 'Yes! I believe myself worthy of them,' exclaimed he, in pressing the pistols and Lafayette's hands to his breast; 'if not from what I have done, at least for what I wished to do for my country.' All the bystanders applauded this noble confidence of the patriot hero, and were convinced that the weapons of Washington could not be in better hands than those of Jackson."

Mr. Calhoun withdrew from the canvass of 1824, and the contest was maintained between the other candidates, the result of which was, no choice by the people. General Jackson received 99 electoral votes; J. Q. Adams 84; W. H. Crawford 41; and Henry Clay 37. Consequently the choice, by a constitutional provision, devolved on the house of representatives. To this method of election there are many weighty objections. It deprives the people of their legitimate right of suffrage, and places it in the hands of their national representatives; and as the vote is given by states, the smallest state in point of population has a weight equal to the largest, a circumstance which destroys the equilibrium of suffrage. It also paves the way to bribery and corruption, for the practical effect of the system will often place it in the power of one or two individuals to decide the political destiny of the competitors for the presidential chair, in a manner that will result in the production of their own emolument or aggrandizement.

That this influence raised Mr. Adams to the presidency in 1825, has been asserted by a large majority of the

American people. Whether such was the fact, it is not our purpose to prove; we shall only state the facts as they existed, so far as they are connected with the history of General Jackson, and our readers, after satisfying themselves of their truth, will be enabled to make their own inferences. The method of election, where no choice is made by the people, is pointed out by the constitution of the United States. The members of the house of representatives are to proceed to a choice, each state being allowed one vote. A majority of the members from any one state, decide what vote that state shall give. Three candidates only, those who receive the greatest number of electoral votes, can come before the house. On the election of which we speak, Messrs. Jackson, Adams, and Crawford, were the individuals having the greatest number of electoral votes, and therefore, came into the house. It was now that the anti-republican results of the constitutional method of electing a president by the representatives of the nation, appeared in their most forbidding form. Mr. Clay had received the votes of three states; it therefore became obvious that his vote as a representative from Kentucky, would influence a majority of the members of the house from his own state, and also a majority of those from the states of Ohio and Missouri, which states gave him their votes when the election was before the people. Next to Mr. Clay at this period, General Jackson was the choice of Kentucky. Mr. Clay and his colleagues were advised of this, not only from their own knowledge, but from the instructions of the Kentucky legislature; yet the vote of that state, contrary to the wishes of a majority of its inhabitants, was given by Mr. Clay to Mr. Adams, and he was elected, and immediately appointed Mr. Clay to the office of secretary of state.

This result of the election, brought against Messrs. Adams and Clay direct charges of bargain and corrup-

tion. An investigation of the subject took place in the Kentucky legislature, where it was proved by a number of highly respectable individuals, that, after the return of General Metcalfe and Mr. Trimble, of the Kentucky delegation, they avowed their reason for voting for Mr. Adams was, that they had ascertained that he would make Mr. Clay secretary of state, and General Jackson would not. Our readers will ascertain the correctness of this, by a reference to the report of the proceedings of the Kentucky legislature in that investigation.

In October, 1825, General Jackson was nominated by the Tennessee legislature a candidate for the presidency. The proceedings of the legislature, and General Jackson's resignation of his seat in the United States senate in consequence, are as follows:

In the senate Mr. Kennedy submitted "that General Andrew Jackson, of this state, be recommended to the freemen of the United States, as a fellow-citizen, who, by his numerous and faithful public services, in the cabinet and in the field, his energy and decision, his political qualifications, and strict adherence to the principles of republicanism, merits to be elected to the office of chief magistrate of this Union, at the next presidential election."

This resolution was agreed to in both houses, with only one or two dissenting voices.

"On Friday, October 7th, the house of representatives received from the senate a message informing this house that they had adopted the following resolutions, in which they asked a concurrence:

"Resolved, as an evidence of the respect and attachment entertained by this legislature, in common with our fellow-citizens, towards General Andrew Jackson for his high personal qualifications, and numerous and important services rendered to his country, that the two branches of this general assembly will receive him on the day

next after his arrival at the seat of government, at 12 o'clock, in the representative hall.

"Resolved, that one or both of the speakers, on behalf of the two houses, shall deliver, at such time, to General Jackson, an address, expressive of the high personal satisfaction they feel in relation to the course he pursued, during the pendency of the late presidential election.

"Resolved, that a joint select committee be appointed to wait upon General Jackson, on his arrival at the seat of government, to inform him of the foregoing resolutions, and conduct him within the bar of the house of representatives, and that Mr. Hall and Mr. Kennedy are appointed said committee on the part of the senate.

"The house of representatives concurred in the foregoing resolutions, and appointed Messrs. Gibbs, Desha, Turney, and Fitzgerald, to be of the committee on their part.

"The general arrived at Murfreesborough on the 13th ultimo, and was immediately waited upon by the committee of the legislature. On the 14th, at 12 o'clock, he was conducted to the hall and addressed by the speakers of the two houses, to which he made an appropriate reply, and then handed in a resignation of his seat in the senate of the United States."

The following is General Jackson's resignation to the legislature of Tennessee.

"Two years ago, by the unsolicited suffrage of the legislature of Tennessee, I was appointed to the situation of senator in congress. Pursuing the principle by which I had ever been governed, neither to seek after or decline office, the appointment conferred was accepted. Aware of the practice which had long prevailed, of selecting from each extreme of the state, a person for the high and responsible situation of senator, I felt regret at being brought forward to disturb a system which had so long obtained;

yet, inasmuch as the legislature, without any knowledge or understanding on my part, had called me to the situation, it was impossible to withhold my consent; and accordingly the appointment was, though reluctantly, accepted; not, however, without its being previously professed by my friends, that a longer term of service than one congress would neither be required nor expected. That service has been performed. I was still though, pondering and in doubt, whether exceptions to my resigning might not be taken; and if it might not be proper for me to execute the full term which you had assigned me, when my mind was brought to a conclusion by some late proceedings of your own, and a determination formed to surrender immediately back into your hands the responsible trust you had heretofore confided.

"One inducement to my determination is, that traveling to the city of Washington, twice a year, imposes no inconsiderable fatigue; and, although this is a minor consideration, and one which would have been met with cheerfulness, if business, involving the interest of our happy country, had required the exertion; yet I am aware of nothing of great national importance which is likely to come before congress, excepting a subject that you have lately had before your body—the amending the constitution of the United States in relation to the choice of a chief magistrate. Upon this matter I greatly doubted whether it might not be my duty again to appear in the senate, and extend my feeble aid towards producing an alteration in which great interests with the people of the United States exist, and on which the security of our republican system may depend. But having been advised of a resolution of your honorable body, presenting again my name to the American people, for the office of chief magistrate of this Union, I could no longer hesitate on the course I should pursue; doubt yielded to certainty,

and I determined, forthwith, to ask your indulgence to be excused from any further service in the councils of the nation.

"Thus situated,—my name presented to the freemen of the United States for the first office known to the constitution,—I could not, with any thing of approbation on my part, consent either to urge or encourage an alteration, which might wear the appearance of being induced by selfish considerations; by a desire to advance my own views. I feel a thorough and safe conviction, that imputation would be ill founded, and that nothing could prompt me to any active course on that subject, which my judgment did not approve; yet, as from late events, it might be inferred, that the prospects of your recommendation could be rendered probable only by the people having the choice given to them direct, abundant room would be afforded to ascribe any exertions of mine to causes appertaining exclusively to myself. Imputations, thus made, would be extremely irksome to any person of virtuous and independent feeling: they would certainly prove so to me; and hence the determination to retire from a situation where strong suspicions might, at least, attach, and with great seeming propriety. I hasten, therefore, to tender this, my resignation, into the hands of those who conferred it, that, in the exercise of their constitutional rights, they may confide it to some one deserving their confidence and approbation.

"Being about to retire again to private life, it is probably the last time I shall have an opportunity of addressing you. Permit me, then, to suggest some remarks upon the amendment which you have proposed to the constitution of the United States. Our political fabric being regulated by checks and balances, where experience assures us that those which have been resorted to are inefficient: or that, however well their boundaries

have been defined on the parchment of the constitution, some new barrier to the encroachments of power or corruption, in any of the departments of government, is necessary; a corrective should be applied; and, under such circumstances, it is the duty of the people to see that one is provided. There is no truth more sacred in politics, and none more conclusively stamped upon all the state constitutions, as well as the federal constitution, than that which requires the three great departments of power, the legislative, judicial, and executive, to be kept separate and apart. But simple and manifest as this truth is, the difficulty of arriving at, in practice with constitutional restraints, still remains, and presents a question, whether the wisdom and virtue of the present generation, with a view to amendment in this important matter, may not be usefully employed. Gratitude to the founders of our happy government, cannot be lessened by honest efforts, on our part, to improve, or rather to fortify, the blessings which have been transmitted to us, with such additional guards as experience has proved to be necessary. Upon this principle, I venture fully to accord with you, in the contemplated change proposed to the constitution; and, indeed, would go further. With a view to sustain, more effectually in practice, the axiom which divides the three great classes of power into independent, constitutional checks, I would impose a provision, rendering any member of congress ineligible to office, under the general government, during the term for which he was elected, and for two years thereafter, except in cases of judicial office; and these I would except for the reason, that vacancies, in this department, are not frequent occurrences, and because no barrier should be interposed in selecting, to the bench, men of the first talents and integrity. Their trusts and duties being of the most responsible kind, the widest possible range should be permitted, that judicious

and safe selections might be made. The politician may err, yet his error may be presently retrieved, and no considerable injury result; but with judges, particularly in the last resort, error is fatal, because without a remedy.

"The effect of such a constitutional provision is obvious. By it congress, in a considerable degree, would be free from that connexion with the executive department which, at present, gives strong ground of apprehension and jealousy on the part of the people. Members, instead of being liable to be withdrawn from legislating on the great interests of the nation, through prospects of executive patronage, would be more liberally confided in by their constituents; while their vigilance would be less interrupted by party feelings and party excitements. Calculations, from intrigue or management, would fail; nor would their deliberations or their investigation of subjects consume so much time. The morals of the country would be improved, and virtue, uniting with the labors of the representatives, and with the official ministers of the law, would tend to perpetuate the honor and glory of the government.

"But if this change in the constitution should not be obtained, and important appointments continue to devolve on the representatives in congress, it requires no depth of thought to be convinced, that corruption will become the order of the day; and that, under the garb of conscientious sacrifices to establish precedents for the public good, evils of serious importance to the freedom and prosperity of the republic may arise. It is through this channel that the people may expect to be attacked in their constitutional sovereignty, and where tyranny may well be apprehended to spring up, in some favorable emergency. Against such inroads every guard ought to be interposed, and none better occurs, than that of closing the suspected avenue with some necessary constitutional restriction.

We know human nature to be prone to evil: we are early taught to pray, that we may not be led into temptation; and hence the opinion, that, by constitutional provision, all avenues to temptation, on the part of our political servants, should be closed.

"My name having been before the nation for the office of chief magistrate during the time I served as your senator, placed me in a situation truly delicate; but delicate as it was, my friends do not, and my enemies cannot, charge me with descending from the independent ground then occupied, with degrading the trust reposed on me, by intriguing for the presidential chair. As, by a resolution of your body, you have thought proper again to present my name to the American people, I must entreat to be excused from any further service in the senate; and to suggest, in conclusion, that it is due to myself to practice upon the maxims recommended to others; and hence, feel constrained to retire from a situation where temptations may exist, and suspicions arise, of the exercise of an influence tending to my own aggrandisement.

"Accept, &c. &c. ANDREW JACKSON."

After the resignation of his seat in the United States senate, General Jackson retired again to the Hermitage, on the banks of the Cumberland. Business, however, called him occasionally abroad. On one occasion, the inhabitants of Jackson, Tennessee, addressed him, to which address he made the following characteristic reply:

"If, in my march through life, it has been my good fortune to be an actor in scenes which eventuated beneficially, my greatest satisfaction is in knowing that, at this day, they are considered as they were intended, for the benefit and advancement of our common country. The last spot on the globe where liberty has found a resting place, will not, I hope, want defenders, and sincere ones, whenever an assault may come. The world cannot re-

main at peace. Human nature is restless—and man, as he ever has been, is ambitious. Because our government is formed upon new principles, we must not trust alone to that; but mark, with care and caution, the secret and silent inroads, which intrigue, ambition, and cunning, from time to time, may originate. In selecting, at any time, any agent to discharge those important functions, which, under our form of government, must necessarily be confided to him who represents us, let mind be one great consideration; but, above all, let it be ascertained that virtue and purity have, with him, taken up their abode, dwelling with him, and he with them. By this means, and only this, can our government go down unimpaired to posterity. Mere form and ceremony in the guidance of our affairs, can avail but little. We must be careful and vigilant to adhere to those great principles, which characterize and mark the government we possess."

In May, 1826, General Jackson was nominated for the presidency, by a meeting of citizens in Philadelphia; and it now became evident that he would be the only competitor with Mr. Adams for that station. His popularity increased rapidly, and many observers of the signs of the times were sanguine of his success. At an anniversary of our independence at Fayetteville, Tennessee, in July following, he was present; and in reply to an address made to him, said:

"Your cordial welcome is grateful to my feelings. It recalls to my recollection the urbanity and hospitality which were extended to me and my troops by the citizens of this town and country, 1813, while encamped in its vicinity, on their march to protect our southern frontier from the ruthless savage. Sir, the orderly conduct of the brave men I had the happiness then to command, was honorable to them, to me, and to their country. Those high-minded men, whom patriotism alone had led to the

tented field, to defend their country and their country's rights, could not trespass on, or infringe the rights and privileges of their fellow-citizens of Fayetteville and of Lincoln county. These were the wealth and sinew of your country—they were the citizen-soldiers, who appreciated, above all earthly blessings, their liberties achieved by their forefathers, and had sworn to hand them down, unimpaired, to their children, or die in the attempt. With such an army your rights could not be infringed, nor your property molested. In the ranks of such men, order, discipline, and strict subordination, were easily introduced and maintained. It was the prowess of those citizen-soldiers that enabled me so promptly and effectually to terminate a savage war—to meet and vanquish their more savage allies, the British, at New Orleans, which gave security to your borders, and peace to the nation. I, sir, was only a humble instrument in the hands of a wise and superintending Providence, for the accomplishment of those important and beneficial objects.

"My humble efforts in the service of my country, whether in the field or cabinet, I am fearful, are too highly appreciated by you. I can with candor, however, declare, that in every situation, to which I have been called by my fellow-citizens, my best judgment has been exercised, and unceasing exertions been employed, to promote the best interests of my country. How far I have succeeded, is evidenced by your approbation.

"You, sir, have been pleased to pass in review my conduct in the late presidential contest. I trust you will believe me candid, when I assure you, that I have too long practiced the pure principles of republicanism to abandon them at this late period of my life. I have always been taught to believe that ours is a government based upon the will of the people, and established for their prosperity and happiness exclusively In the adoption

of our constitution, the people secured to themselves the right of choosing their own agents to administer the government agreeably to their own will, as expressed by the voice of a majority. Surely, then, in the exercise of these important rights, they ought to be left to the dictates of their own unbiassed judgments. Acting, sir, in accordance to these fundamental principles of our government, and having laid it down as a rule from which I have never departed, 'neither to seek, nor decline office, when freely offered by the people,' I could not interfere, in any manner whatever, in that contest, while either before the people, or the people's representatives. Your approbation of my course is, therefore, truly gratifying, and particularly so, as my conduct on that occasion was dictated by my best judgment.

"For the kind solicitude you have expressed for my promotion in the estimation of my fellow-citizens, I tender you my sincere thanks."

On another public occasion, in reply to the address of one of his fellow-statesmen of Giles County, Tennessee, who was delegated for that purpose, he said:

"Sir—I am at a loss for words to express the feelings which have been excited by the remarks you have just addressed to me. The return of this joyous day to our country, and the privilege of uniting in its celebration with so many of my old associates in arms, and this large and respectable assemblage of my fellow-citizens, by whom I am so much honored; all concur to heighten those emotions of gratitude and joy with which this memorable era never fails to fire the bosom of every friend and lover of his country.

"In the retrospect, sir, which you have taken of our revolutionary war, allow me to thank you for the flattering notice of my youthful efforts, although I cannot but be sensible that your kindness has given them too much

importance. The humble part which I acted in that eventful struggle, served to impress upon my mind the great principles which were secured by it—and to the support of which, if my subsequent labors in the cause of my country have at all contributed, the pains and privations endured are more than compensated. The spirit, sir, which blazed through the deeds of these revolutionary fathers, was the inspiration of Deity to a just cause, and needed not the unforgiving and ruthless barbarity of the foe to make it unconquerable, even on the field of repeated defeats and disaster: no, sir, cherished by the Author of all good, supporting and supported by the love of liberty and virtue, it achieved more than could have been, more than ever was done, by the unaided powers of man—the establishment of a free and happy government, dependent alone upon the will of the people. Let it then be our solemn duty to perpetuate this government by recurring often to the first sacrifices with which it was obtained, and to the lessons of wisdom with which its sages have stamped its history.

"The second war of our independence grew out of a system of outrage and insult renewed by the same enemy, and, no doubt, with the hope of annihilating the fair fabric which the first had erected: but how vain were his hopes! Our sons proved worthy of their fathers, many of whom witnessed the struggle, and in the accomplishment of their prayers, saw their independence gloriously confirmed and re-established, and hailed us worthy the sacred heritage commemorated by this day. To the brave officers and soldiers, sir, a part of whom are now before me, who aided in this struggle, the deserved gratitude of our country has been freely offered; and with them, as with me, I know that no higher reward could be received or desired.

"I tender to you, sir, my most sincere thanks for the

favorable manner with which you have been pleased to speak of my services in the various civil stations to which I have been called by my country, and particularly by this state. In these, as in all situations of my public life, I am much indebted to the liberality and indulgence of my fellow-citizens; and I beg leave once more to assure them of the consolation which their cheering approbation has always afforded me."

These spontaneous responses of General Jackson to the congratulatory addresses of his fellow-citizens, exhibit, in the most interesting point of view, the purity and disinterestedness of the motives which had been the governing principles of the acts of his eventful life; they were the generous outpourings of his mind delightfully agitated by the recollections of the perils and dangers, which his courage and energy had averted from the land of his birth, in a manner so signally glorious to himself and beneficial to his country.

The discussion of the question of succession to the presidency increased in bitterness, as it approached the crisis for decision; but General Jackson, with his characteristic delicacy and sense of propriety, kept aloof from every act that might possibly be construed into an aim towards his own aggrandizement. Towards the close of the summer of 1826, he received a letter from a distinguished gentleman in Kentucky, requesting him to visit that state for the purpose of counteracting the intrigue and management of certain prominent individuals against him. The following is his reply, which does him honor:

"*Hermitage, July* 31, 1826.

"My dear sir—Your favor of the 21st instant is received, reassuring me of the wish of many of my friends in Kentucky that I should visit the Harrodsburg Springs. I had spoken early in the spring of this visit, because those waters had been recommended as necessary to the

restoration of Mrs. Jackson's health, and there was additional gratification derived from the hope that I would see many of my old friends in Kentucky, whose company at all times would be pleasing to me. But inasmuch as Mrs. Jackson is lately so far improved as not to render this trip necessary, it seems to me very questionable whether, without this necessity, I ought to yield to the other considerations, at this juncture. I know that so far as Kentucky is concerned, the unjust imputations which it is my wish to avoid, would never be raised; or rather, that a great proportion of her citizens would attribute to their proper origin, the objects of my visit; yet, when I reflect upon the management and intrigue which are operating abroad, the magnitude of the principles which they are endeavoring to supplant, and the many means which they can draw to their assistance from the patronage of the government, I feel it is not less due to myself and to principle, than to the American people, particularly so far as they have sanctioned my political creed, to steer clear of every conduct out of which the idea might arise that I was manœuvring for my own aggrandizement. If it be true, that the administration have gone into power contrary to the voice of the nation, and are now expecting, by means of this power, thus acquired, to mould the public will into an acquiescence with their authority, then is the issue fairly made out—shall the government or the people rule? and it becomes the man whom the people shall indicate as their rightful representative in this solemn issue, so to have acquitted himself, that, while he displaces these enemies of liberty, there will be nothing in his own example to operate against the strength and durability of the government.

"With this candid expression of my feelings on this subject, I hope you will recognize nothing inconsistent with the claims which my friends in Kentucky have upon

me. Were I unconnected with the present contest, you may rest assured that wherever my presence or my labor would be useful in arresting the efforts of intrigue and management, I should not hesitate to repair to the post which my friends might indicate as the most exposed. It is a source of much regret to disappoint your wishes, and others, our mutual friends in Kentucky, but as things are, unless Mrs. Jackson's health should render it necessary, I think you will coincide with me, that a visit to Kentucky would be improper at this period. I shall be happy to hear from you on the receipt of this.

"Hastily, your friend, ANDREW JACKSON."

In the spring of 1827, General Jackson received a letter from H. Johnson, Esq., transmitting a copy of a resolution, in which the legislature of Louisiana, expressed a wish that the illustrious defender of New Orleans, should participate in the celebration at that city, of the next anniversary of the glorious victory achieved under his auspices. His presence there, the gentleman added, on the return of that auspicious day, would be hailed with enthusiasm by the whole population of Louisiana. The general replied, by requesting, that to the legislature of the state of Louisiana might be conveyed the expression of the great pleasure it would afford him to comply with their wish on this occasion, and to assure them that nothing but the interposition of Divine Providence would prevent him from uniting with them and the citizens of Louisiana, his associates in arms and in those privations and dangers which rendered glorious the day intended to be celebrated.

In accordance with the intentions, expressed in his letter, General Jackson several days previous to the 8th of January, 1828, commenced his journey to New Orleans, the scene of his former exploits—the spot where his valor had achieved so much honor for himself and glory for his

country. The description of the celebration to which he was invited, is thus given by one who witnessed the scene :

The steamboat Courtland, with the committee appointed to meet the guest of Louisiana, left New Orleans on the 28th ult. It was pleasing to observe, as we proceeded on our way, that the enthusiasm kindled in the city was felt intensely in distant parts of the state. In Concordia, as well as in the city of New Orleans, the people knew their deliverer ; every heart palpitated at the sound of his name, and the anticipation of his arrival. We reached Natchez on the first of January, an auspicious day, and pregnant with glorious remembrances. That city was filled with a vast multitude, impatiently waiting for our guest. On the morning of the fourth, the day he had fixed for reaching Natchez, the heights on the river were filled with spectators ; all eyes were turned upon the stream in breathless expectation. At last a white smoke, curling like a mist over the tops of the cypress trees, proclaimed the approach of the Pocahontas. The surrounding hills rang with loud huzzas, greeting their arrival. I cannot dwell with minuteness on the pleasing scenes which followed. A procession along the picturesque margin of the river ; a dinner, at which ardent devotion was guided and tempered by decorum and politeness, and a ball at which the beauty of Mississippi was exhibited with all that taste could add to natural charms and native grace : the enthusiasm of the whole population, the shouts of the multitude, proclaimed that Louisiana and Mississippi were united by ennobling sympathies.

At twelve o'clock at night, General Jackson re-embarked in the Pocahontas ; some hours afterwards, the committee of Louisiania followed in the Courtland ; and then both boats, united together, descended the stream, checking occasionally their velocity, as it was intended to

reach New Orleans on the 8th. On the 7th, the weather portended a storm for the morrow; it rained several times throughout the day, and frequent rainbows gave us no favorable signs for the great day. The boats anchored above the city about seven in the evening. We were crowded with visitors during the night. We learnt that the legislature had met in the morning, and the governor had announced the arrival of their invited guest; and the legislature of the state, in obedience to public sentiment, had appointed a joint committee to act in conjunction with that of the people. Every thing was done that the honor of Louisiana demanded—in haste, it is true—but still it was done: and it was sufficient; the enthusiasm of the people filled up the outline, imperfectly sketched by their representatives.

At last the morning of the auspicious day dawned upon New Orleans. A thick mist covered the water and the land, and at ten o'clock began to rise into clouds; and when the sun at last appeared, it served only to show the darkness of the horizon, threatening a storm in the north. It was at that moment the city became visible, with its steeples and the forest of masts rising from the waters. At that instant too a fleet of steamboats was seen advancing towards the Pocahontas, which had now got under way, with twenty-four flags waving over her lofty decks. Two stupendous boats, lashed together, led the van. The whole fleet kept up a constant fire of artillery, which was answered from several ships in the harbor and from the shore. General Jackson stood on the back gallery of the Pocahontas, his head uncovered, conspicuous to the whole multitude which literally covered the steamboats, the shipping, and the surrounding shores. The van which bore the revolutionary soldiers and the remnant of the old Orleans battalion, passed the Pocahontas, and, rounding to, fell down the stream, while acclamations of thousands of

spectators rang from the river to the woods, and back to the river.

In this order the fleet, consisting of eighteen steamboats of the first class, passed close to the city, directing their course towards the field of battle. When it was first descried, some horsemen only, the marshals of the day, had reached the ground. But in a few minutes it seemed alive with a vast multitude, brought thither on horseback and in carriages, and poured forth from the steamboats. A line was formed by Generals Planche and Labaltat, and the committee repaired on board the Pocahontas, in order to invite the general to land and meet his brother-soldiers and fellow-citizens. I have no words to describe the scene which ensued. It would require a bolder pencil than mine. The addresses delivered to the general, and his answers, may be given; but that which cannot be given, is the expression of his venerable features, and the intense feelings of his heart, portrayed in every look. It would be equally difficult to depict the joy and pride of the people in again beholding their "country's great benefactor." Strangers, who had come from afar to behold the scene, caught the contagious sympathy. When he began to speak, the noise was hushed—every one seemed eager to catch the sound of his voice. He spoke of his own deeds with modesty, of his surviving companions with affection, and of the dead with fond regret. As it grew late, he was hurried back to the Pocahontas, and the fleet ascended the river. The general landed opposite the house of Mr. Marigny. The United States troops, under Colonel Taylor; the legion, under Colonel Roffignac; a splendid and well disciplined company of volunteers from Natchez, under Lieutenant Walker; the first brigade of militia, under the command of General Robertson, and Maj. Gen. Lacoste, surrounded by a brilliant staff, were drawn up in line of battle to receive him. The crowd on

the bank of the river was immense; the windows, the balconies, even the roofs of the houses, the decks, tops, and rigging of the ships, were covered with spectators. Their shouts, when the general touched the shore, were as loud as the artillery, which thundered from the land and the water; he marched along the line of the troops with his head uncovered.

The procession was then formed—the general on foot—and after moving through the principal streets in the city reached the government-house, where the governor introduced him to the same legislature who had invited him to Louisiana. The governor's address was concise and pertinent; the general answered him with frankness and energy, no less remarkable in his language than in his actions; each member was presented to him in turn; and all acknowledged the courtesy, the ease, and unaffected dignity of his manners. From the legislature he proceeded to review the troops at the invitation of the governor; the procession was again formed—and the general, attended by the governor and the legislature, repaired to the Catholic church, where religious exercises were performed. When the ceremonies were terminated, the general was conducted by the committee to the house prepared for his residence. He was then informed that he was invited to a dinner at Davis' hotel, which was given in commemoration of the day. The tables occupied two rooms of vast dimensions, at which at least two hundred persons sat down. Mr. Marigny was chosen president of the day. General Jackson was placed on his right, Governor Houston of Tennessee on his left—the venerable Father Antonio and the Abby Monni, sat on the general's left Generals Carroll and Hends, and Judge Overton, also sat in the vicinity of the president. The gentlemen composing the deputations of Ohio, New York, Pennsylvania, Kentucky, and Mississippi, were placed near or op-

posite General Jackson; the friends who had accompanied him sat next to the three vice presidents. Many toasts were drunk—they were warm and patriotic—nothing vapid in them. When the president announced the name of Jackson, the company rose up, as if moved by one impulse, and rent the air with loud and repeated huzzas. When silence was restored, Mr. Marigny, in a speech delivered with an energy of manner in unison with the ardor of his feelings, bestowed a merited tribute of praise upon the services and character of the guest of his native state.

From the dinner I followed the general to the French theatre, where a cantata, composed for the occasion, was sung with admirable taste and effect. When the first act of the opera was over, the general proceeded to the American theatre, where he was greeted with the same salutations which had followed him from the battle-ground to the city. At 11 o'clock he retired to his house, accompanied by the committee.

Mrs. Jackson, who, with several ladies from Tennessee, accompanied her husband on his visit to Louisiana, was met and waited upon, the moment she landed from the Pocahontas, by Mrs. Marigny, and other respectable ladies, who, after having congratulated her on her safe arrival, conducted her to Mr. Marigny's house, where refreshments had been prepared, and where she received the salutations of a large and brilliant circle.

The following address, while the general was upon the battle-ground, was made to him by Mr. John R. Grymes, one of his aids during the invasion:

"General—I have been deputed by the citizens of New Orleans, and your old companions in arms, to receive you on this spot, consecrated to the honor and glory of our country, and in their name to testify to you their feelings on the occasion, which has again brought us together.

"To do this, no language at my command, is adequate But you, sir, will be able fully to appreciate them, when I declare our solemn conviction, that to your conduct on the memorable day, whose anniversary we celebrate, we are indebted for our homes, our liberties, our all. Accept then, sir, every sentiment of gratitude, which a devoted and patriotic people can feel towards him, who has preserved to them the inestimable blessings of our constitution, and the sacred institutions of our country: and ou fervent prayers, that your deeds may meet with their just reward from the present generation, and that their remembrance may extend to our latest posterity."

The general replied as follows:

"Sir—Thirteen years have revolved since, fellow-citizens, and fellows in arms, we met on these plains. Our country was then shaken by the storms of war, and we had repaired hither to resist its rudest shock. This lovely land, rich in its present aspect, and far richer in its future destinies—the pride of western commerce and the key of western independence—was insulted by invasion, and threatened by conquest. An army, strong in renown and powerful in numbers, haughty from success and eager for spoil, came from amidst distant seas to pour its pride and fury upon Louisiana. This formidable foe we met; and though inferior in number and discipline; though not furnished with the regular means of defence; though hastily assembled from various states; we were determined to live or to die free; we acted with concert, we fought with confidence, and we conquered. The justice of our cause gave us courage, and the favor of Heaven granted us victory, and requited our days of toil, and nights of watching, with the glory of giving deliverance to our country and security to our fellow-citizens. In common with them we have since enjoyed the fruits of peace, and pursuing the various callings of life, have been dispersed

over different regions. But though separated by time and space, the bond of fraternity cemented on this field has not been weakened—our countrymen hallowed it with their gratitude. With what pleasure do I embrace you again! In what language shall I express my emotions? Must I not regard this assemblage of my martial brothers as a peculiar mark of the goodness of Providence? Shall I not esteem this concourse of my fellow-citizens, collected from different quarters of the union, as evidence, that the nation accepts it as worthy of commemoration, and rejoices in bestowing its honors on those who shared its dangers? What greater good than this, within the sphere of human events, can fall to the lot of man? what higher incentive to the discharge of his duty as a citizen and a soldier? And what an inspiring theme does it afford for our supplications to that God, in the hollow of whose hand is the fate of man and the destiny of nations!—These considerations prepare me to receive the cordial welcome with which I am honored, and in behalf of the valiant men, to whose perseverance and undaunted spirit, I owed my success, I receive it with pride and joy.

"I thank you, sir, for the kind assurance of the regard of my fellow-citizens. My conduct in defending your city has been misunderstood by some, and misrepresented by others; but this day's testimony in its favor repays me for injury and injustice; and it is far more valuable than any gratification, which the pride of power or the pomp of office can confer. Most of you were witnesses of the scene in which I was engaged, and know the measures which I adopted to destroy the proud foe, and protect this fair city. From the part you acted, and the relations you sustained, you are competent to weigh the circumstances by which I was surrounded, and to estimate the motives by which I was governed. Your approbation, therefore, gives me consolation, and satisfies me that

the course which I pursued was required by the interest and honor of the country. In that perilous crisis I thought it my duty to obey, in favor of my country, the great law of necessity, the great principle of self-defence—to sacrifice this shadow for the substance, and to save the constitution by suspending, within the compass of sentinels, the impending action of certain legal forms. This step I took, neither without reflection, nor without advice, nor without example. And when I review it, my mind adheres to the judgment, which I have formed. Your approbation, I repeat, confirms this opinion. It will, I believe, signalized as it is by this public solemnity, have a higher effect. It will exhibit to posterity a salutary example of patriotism and justice, and thus be instrumental in securing our country from future dangers. Like the glory of that bright day which saw us rise into national existence, it may blaze on the altars of liberty, and rekindle from age to age the sacred love of freemen for their country.

"I salute you, fellow-citizens, and embrace you, my brothers in arms, and offer my prayers to Heaven for your individual happiness, and for your country's glory."

Mr. Davezac, also one of his aids, then addressed him as follows:

"General—I should be insensible indeed, if I could express the deep feelings which crowd on my mind, when, after viewing the surrounding scene, I cast my eyes on him whom I now address; this ground, made holy by deeds of eternal renown; this plain, where patriotism and valor triumphed over numbers and discipline. What noble subjects can be offered to the meditation of philosophy? What nobler theme can excite the genius of an orator? But when to these are now superadded the shouts of an enthusiastic multitude, the roar of artillery, and the magnificent spectacle of so many floating palaces, displaying to the winds, as they glide along, the striped

banners on which shine so bright the auspicious stars, the happy emblems of new-born republics; I may be allowed to hope, that the inspiration of the scene may supply the talent which ought to have been possessed by him, on whom devolves the task of expressing the gratitude of his brother-soldiers. It was a happy conception of the legislature of our country, to invite the conqueror of the 8th of January, to the field of his glory; there to gladden his eyes by the spectacle of a nation's gratitude; to offer to his sight, after thirteen years had elapsed, crowned with the choicest gifts of nature, enriched by the tributes of commerce, of industry, and of the arts, Louisiana, whom he had beheld in the days of her mourning, in the hour of calamity.

"Prosperity does not harden the hearts of freemen, for it is in the midst of all the felicity which Providence can bestow on a favored people, that Louisianians delight to look back to an epoch marked by dread portents and actual perils; and it is at the very moment when they feel most intensely their present happiness, that they recall the remembrance of the day when you appeared among them for the first time. You found them ready to pour out their hearts' blood in defence of their country; but they had been waiting for a chief, for one firm of purpose, capable of breasting the approaching tempest. They were aware, that at such a crisis, unity of command was their only safety, and that you alone could collect the scattered reeds, bind them together, and give them, thus united, a force that would defy all hostile efforts. You called on the brave, wherever born, and you uttered the sacred words Honor!—Country! All hearts vibrated at the sound—what once was rivalry became emulation—what had been envy was changed into a noble jealousy of fame. Various languages were spoken at these memorable times; but in every tongue the valiant vowed to conquer or to die.

You had inspired all your warriors with your own presaging hopes.

"We have come this day to salute, at the very instant when he treads again this hallowed ground, the hero of this great anniversary. We come too, like the Greeks of old, when they visited the field of Marathon, to honor the warriors whom fate forbade to join in the triumph they purchased at the price of their lives. But why do I detain you so long, even on this field of your fame? While these veteran soldiers press the hand of their chief, a whole city waits the return of the vessel which bears the guest of Louisiana. The legislators of our state have suspended their deliberations; the multitude cover the banks of this great river, the temples are opened, the incense ascending to heaven, together with the blessings of a grateful people. Go, happy conqueror! Go, and hear the voice of mothers greeting the hero who brought them back their sons. Go, and hear the cheerings of the wives and daughters from whom you averted the insults of a lawless soldiery. Go, and meet the kind, the rapturous welcome of the new generation; the children born since 1815, the future men of Louisiana, await also the deliverer of their fathers."

General Jackson thus replied:

"Sir—Your language and imagination, attest the fervor of the clime you inhabit, and do justice to the generous people you represent. They do justice also to my brave associates, who enriched the field before us with glory, and filled it with recollections which so powerfully excite your enthusiasm, and are regarded with such liberal interest by your state. While I rejoice with you in the prosperity of Louisiana, which smiles on the banks and floats on the current of its majestic river, I take pleasure in reflecting that it is the just reward of the valor and patriotism she displayed under a pressure

of danger, which valor and patriotism alone have supported.

"In this assembly, I see many of her sons, whose swords opposed a rampart to the powerful foe, and whose lives were preserved in honor, because they were offered a sacrifice to glory. You, sir, are one of this chivalric band, and doubtless, when you witness this scene, you are filled with those emotions, which your fancy compares to the feelings of the soldiers of Miltiades, when they revisited the field of their victory. Here I rejoice to meet you, and to mingle my exultation with yours in the prosperity and glory of our common country."

Many other details of this highly interesting celebration might be given, but we are necessitated to omit them. On the 12th of January, General Jackson and suite left New Orleans, on his return to the Hermitage. After his arrival, he addressed a letter to one of the members of the Louisiana legislature, expressive of his sentiments relative to the cordial reception he there met with, of which the following is an extract:

"I seize upon this occasion to make to you and the other members of the committee of the legislature of Louisiana, a tender of my sincere thanks for your very kind and polite attention while I was in your hospitable city. The liberality and politeness of the governor and legislature of Louisiana, bestowed upon me during my late visit, are treasured up with the most lively recollections of gratitude, and will be cherished through life with the warmest emotions."

CHAPTER XVII.

Violence of party spirit—General Jackson elected president of the United States—Death of Mrs. Jackson—General Jackson declines the acceptance of invitations to public entertainments, on his way to Washington—He repairs to the seat of government—His reception—Inauguration—Inaugural address—His cabinet—Removals from office—Defence of the measure—His first message to congress.

As the presidential election approached, the hostility of the political parties towards each other increased. Never, it is believed, has a political contest been waged with such a bitter uncompromising spirit—such a total disregard of those principles which almost invariably govern the contests of honorable men for place or power, as that of 1828. General Jackson was the candidate of the people; he had devoted his whole life to the advancement of the prosperity and glory of his country, and his fellow-citizens were ready to bestow their favors upon him with a willing hand. His opponents were aware of this, and resolved, if possible, to counteract their intentions. With this end in view, almost every act of his life, either public or private, was represented as embodying some crime which degrades and dishonors our common nature. But his fame passed every ordeal with a renovated brilliancy. In the autumn of 1828, the election took place which resulted in the choice of General Jackson, by a large majority.

In December, he met with a severe affliction, in the death of Mrs. Jackson. She was an amiable and excellent woman, and was greatly beloved by all within the extensive circle of her acquaintance. This melancholy event happened on the evening of the 22d, and the intelligence spread a deep gloom throughout the vicinity of the Hermitage. The following day, being the anniversary of an interesting and important event in the last war, had been appropriately selected to testify the respect and affection of his fellow-citizens and neighbors to the man who was so soon to leave his sweet domestic retirement, to assume the responsibilities and discharge the important duties of chief magistrate of the nation. Preparations had been made—the table well nigh spread, at which all was expected to be hilarity and joy; the citizens of Nashville had sallied forth on the happy morning with spirits light and buoyant, and countenances beaming with animation and hope—when suddenly the scene was changed; congratulations were converted into expressions of condolence, tears were substituted for smiles, and a general mourning pervaded a community, where, but a moment before, universal happiness and public rejoicing prevailed.

The funeral of Mrs. Jackson, was attended by an immense concourse of people. Her remains were interred in the lower part of the garden of the Hermitage. The general was supported to the grave by General Coffee and Major Rutledge. It is said by those who witnessed the scene, that the exhibition of grief on the part of the relatives and friends of the deceased was excessive beyond description. Some of her domestics seemed stupified by the event, others wrung their hands and shrieked aloud. These were testimonials of the worth and excellence of the departed, which are seldom discoverable in the solemn pomp and heartless mummery that often attend the obsequies of the illustrious dead.

The severity of the blow upon her partner was heavy beyond conception. A gentleman from Philadelphia who was present at the funeral, wrote thus to his brother:

"After the funeral, the general came up to me, took my hand and shook it. Some of the gentlemen mentioned my name. He again caught my hand with a fervent pressure, but could not speak. I never shall forget his look of grief."

The time was now at hand when it would be necessary for General Jackson to repair to the seat of government. Previous to his departure, he received numerous invitations to pass through various places on his route, and partake of the hospitalities of his friends. The following is a reply to a letter from a committee of the citizens o. Lynchburg who invited him to pass through that place, and receive the respects of its inhabitants:

Hermitage, Dec. 9th, 1828.

"Gentlemen—I have received your letter of the 22d ultimo, presenting to me the congratulations of my friends in Lynchburg, and its vicinity, and inviting me in their name to pass through that section of country, on my way to Washington, in the event of my election. So lively an expression of regard for my character and services, as that, gentlemen, which you have been pleased to convey on this occasion, is received with every sentiment of respect: and I beg leave to offer, in return for it, the grateful assurance that it would afford me great satisfaction to accept the invitation, were it probable that I could comply with it. But as I shall feel myself bound to await the complete ascertainment of the election, before I make any arrangement on this result; and then, in event of my election, would be compelled to take the most expeditious route in order to reach the city by the 4th of March, the pleasure of paying you my personal respects, must be postponed to some future period.

"I pray you to accept for yourselves, and present to those you represent, the assurance of my respect and high consideration, and believe me, very sincerely, your obedient servant, ANDREW JACKSON."

In reply to an invitation from the members of the Pennsylvania legislature, received after the afflictive event of Mrs. Jackson's death, to visit Harrisburgh on his way to Washington, he said: "It having pleased the Author of all mercies, by a late dispensation of his providence, to remove from this world the stay and solace of my life, feelings, of which I need not attempt the description, compel me to decline the invitation with which the members of the Pennsylvania legislature, friendly to my election, have honored me. I am not, however, even in this hour of affliction, insensible to your kindness; and I cannot but feel obliged to you, gentlemen, for the polite and favorable terms in which you have communicated it to me in your letter of the 8th inst. The obligations I owe to the people and legislature of Pennsylvania, for repeated evidences of genuine partiality and support, impress me with a sense of gratitude and deference for that great and patriotic state, which in every vicissitude of life I shall cherish, and which, under less mournful circumstances, I should be proud to manifest by attending her capital, and paying respects in person to her citizens."

Towards the close of January, 1829, General Jackson and suite left the Hermitage for the seat of government. The inhabitants of the places through which he passed assembled and paid him their congratulations; his recent bereavement, however, made him desirous of dispensing with all unnecessary ceremony, a wish which was complied with on the part of his friends, by a delicate forbearance, evincive of their respect for his character, and sympathy in his affliction.

He arrived in Washington early in February, in a

plain carriage, and escorted by only ten or twelve horsemen, and was received with very little ceremony, at his own particular request. It is the great glory of our institutions, that one president retires from and another enters upon the duties of the office, as if without effort—or as a natural effect of our republican establishments. It is this more than any thing, that excites the astonishment of king-ridden Europeans. They wonder at the operation of the laws, without the exhibition of force.

After counting the electoral votes, and ascertaining that General Jackson was elected, a committee, consisting of Mr. Tazewell from the senate, and Messrs. Hamilton and Bell of the house, were appointed to notify General Jackson of his election. Soon after they were ushered into the drawing-room, the president elect also came in, when Mr. Tazewell, the chairman, met him, and addressed him to the following effect:

"Sir—In obedience to the orders of the senate and house of representatives of the United States, and by the direction of their joint committee, appointed for that special purpose, it is my duty to notify you, that you have been duly elected president of the United States, for the term of four years, to commence with the 4th day of March next. While performing this act of duty, I beg leave to offer you my own and the cordial congratulations of each of my associates of this committee, on this event, an event which we all very confidently believe, will redound not less to your fame, and to the future benefit of our common country, than any other of those occurrences which have signalized your past life, and secured to you that respect, and esteem, and confidence of your fellow-citizens, which have been so fully illustrated in your recent election. The particulars of this election will be made known to you by the record which I now have the honor to place in your hands'

Mr. Tazewell then handed him a transcript of the journal of the two houses, containing their proceedings on the day of opening and counting the ballots.

To this address General Jackson very appropriately and feelingly replied: "Sir—The notification that I have been elected president of the United States for four years from the fourth of March next, by the directions of the senate and house of representatives, you have so politely presented, is received with feelings of the deepest sensibility.

"I desire you to communicate to the respective houses of congress, my acceptance of the high trust, which has been conferred by my fellow-citizens, with an acknowledgment of the responsibility which it enjoins; and that I can make no suitable return for so flattering a proof of their confidence and attachment. All that I can offer, is my willingness to enter upon the duties which they have confided to me, with an earnest desire to execute them in a manner the best calculated to promote the prosperity and happiness of our common country, and to the attainment of these objects, shall my unceasing efforts be directed. I beg you, sir, to convey to the senate and house of representatives, assurances of my respect and regard."

On the fourth of March, the ceremony of his inauguration took place in the senate-chamber. General Jackson entered it at half past eleven o'clock, attended by the marshal of the district, and the committee of arrangements, and took his seat immediately in front of the secretary's desk. The chief justice of the United States, and associate judges, entered soon after, and occupied the seats assigned for them on the right of the president's chair. The foreign ministers and their suites, in their splendid official costumes, occupied seats on the left of the chair. A large number of ladies were present, and occupied seats in the rear of the senators, and the lobby under the

eastern gallery. The western gallery was reserved for the members of the house of representatives.

The senate adjourned at twelve o'clock, and a procession was formed to the eastern portico of the capitol, where, in presence of an immense concourse of spectators filling the portico, the steps, and the inclosure, the president of the United States delivered his inaugural address as follows:

"Fellow-citizens: About to undertake the arduous duties that I have been appointed to perform, by the choice of a free people, I avail myself of this customary and solemn occasion, to express the gratitude which their confidence inspires, and to acknowledge the accountability which my situation enjoins. While the magnitude of their interests convinces me that no thanks can be adequate to the honor they have conferred, it admonishes me that the best return I can make, is the zealous dedication of my humble abilities to their service and their good.

"As the instrument of the federal constitution, it will devolve upon me, for a stated period, to execute the laws of the United States; to superintend their foreign and confederate relations; to manage their revenue; to command their forces; and, by communications to the legislature, to watch over and to promote their interests generally. And the principles of action by which I shall endeavor to accomplish this circle of duties, it is now proper for me briefly to explain.

"In administering the laws of congress, I shall keep steadily in view the limitations as well as the extent of the executive power, trusting thereby to discharge the functions of my office, without transcending its authority. With foreign nations it will be my study to preserve peace, and to cultivate friendship on fair and honorable terms; and, in the adjustment of any difference that may exist or arise, to exhibit the forbearance becoming a

powerful nation, rather than the sensibility belonging to a gallant people.

"In such measures as I may be called on to pursue, in regard to the rights of the separate states, I hope to be animated by a proper respect for those sovereign members of our Union; taking care not to confound the powers they have reserved to themselves, with those they have granted to the confederacy.

"The management of the public revenue—that searching operation in all governments—is among the most delicate and important trusts in ours; and it will, of course, demand no inconsiderable share of my official solicitude. Under every aspect in which it can be considered, it would appear that advantage must result from the observance of a strict and faithful economy. This I shall aim at the more anxiously, both because it will facilitate the extinguishment of the national debt—the unnecessary duration of which is incompatible with real independence—and because it will counteract that tendency to public and private profligacy, which a profuse expenditure of money by the government is but too apt to engender. Powerful auxiliaries to the attainment of this desirable end, are to be found in the regulations provided by the wisdom of congress for the specific appropriation of public money, and the prompt accountability of public officers.

"With regard to a proper selection of the subjects of impost, with a view to revenue; it would seem to me that the spirit of equity, caution, and compromise, in which the constitution was formed, requires that the great interests of agriculture, commerce, and manufactures, should be equally favored; and that, perhaps, the only exception to this rule should consist in the peculiar encouragement of any products of either of them that may be found essential to our national independence.

"Internal improvement, and the diffusion of knowledge,

so far as they can be promoted by the constitutional acts of the federal government, are of high importance.

"Considering standing armies as dangerous to free governments, in time of peace, I shall not seek to enlarge our present establishment, nor disregard that salutary lesson of political experience which teaches that the military should be held subordinate to the civil power. The gradual increase of our navy, whose flag has displayed, in distant climes, our skill in navigation, and our fame in arms; the preservation of our forts, arsenals, and dock-yards; and the introduction of progessive improvements in the discipline and science of both branches of our military service, are so plainly prescribed by prudence, that I should be excused for omitting their mention, sooner than enlarging on their importance. But the bulwark of our defence is the national militia, which, in the present state of our intelligence and population, must render us invincible. As long as our government is administered for the good of the people, and is regulated by their will; as long as it secures to us the rights of person and of property, liberty of conscience, and of the press, it will be worth defending; and so long as it is worth defending, a patriotic militia will cover it with an impenetrable ægis. Partial injuries and occasional mortifications we may be subjected to; but a million of armed freemen, possessed of the means of war, can never be conquered by a foreign foe. To any just system, therefore, calculated to strengthen this natural safeguard of the country, I shall cheerfully lend all the aid in my power.

"It will be my sincere and constant desire to observe, towards the Indian tribes within our limits, a just and liberal policy; and to give that humane and considerate attention to their rights and their wants, which are consistent with the habits of our government and the feelings of our people.

"The recent demonstration of public sentiment inscribes on the list of executive duties, in characters too legible to be overlooked, the task of reform; which will require, particularly, the correction of those abuses that have brought the patronage of the federal government into conflict with the freedom of elections, and the counteraction of those causes which have disturbed the rightful course of appointment, and have placed, or continued power, in unfaithful or incompetent hands.

"In the performance of a task thus generally delineated, I shall endeavor to select men whose diligence and talents will insure, in their respective stations, able and faithful co-operation—depending, for the advancement of the public service, more on the integrity and zeal of the public officers, than on their numbers.

"A diffidence, perhaps too just, in my own qualifications, will teach me to look with reverence to the examples of public virtue left by my illustrious predecessors, and with veneration to the lights that flow from the mind that founded, and the mind that reformed, our system. The same diffidence induces me to hope for instruction and aid from the co-ordinate branches of the government, and for the indulgence and support of my fellow-citizens generally. And a firm reliance on the goodness of that Power whose providence mercifully protected our national infancy, and has since upheld our liberties in various vicissitudes, encourages me to offer up my ardent supplications that he will continue to make our beloved country the object of his divine care and gracious benediction."

When he had concluded his address, the oath to support the constitution of the United States was administered to him by Chief Justice Marshall. Salutes were fired by two companies of artillery, stationed in the vicinity of the capitol, which were repeated at the forts, and by detachments of artillery on the plains. When the president

retired, the procession was re-formed, and he was conducted to the presidential mansion. He here received the salutations of a large number of persons, who came to congratulate him on his induction to the presidency.

General Jackson organized his cabinet by appointing Martin Van Buren, of New York, secretary of state; Samuel D. Ingham, of Pennsylvania, secretary of the treasury; John H. Eaton, of Tennessee, secretary of war; John Branch, of North Carolina, secretary of the navy; and John M. Berrien, of Georgia, attorney general.

Among some of the first acts of General Jackson's administration, was that of removing from offices, within the executive gift, those incumbents who were considered either incompetent or unworthy of the trusts that had been reposed in them. For this he was censured, as possessing a spirit of proscription. Each removal made, was blazoned over the country, as evidence of a persecuting and intolerant spirit. Many of the removed officers even appealed to the people, as though their rights had been violated. But when we consider the circumstances under which General Jackson was elected, we ought perhaps rather to be astonished at the fewness than at the number of the removals.

For eight and twenty years, the line of "safe precedents" had remained unbroken. The supreme magistracy of this country had passed as regularly from the president to his secretary of state, as the crown of Great Britain descends from father to son. In the mean time, there had been but few if any changes in the subordinate officers at Washington, except such as occurred in the course of nature. Many men had grown gray in office; and their children had been provided for out of the public purse. The people thought it was time to change this order of things. They believed that abuses existed in

the executive departments at Washington. They knew that liberty was Hesperian fruit, and ought to be guarded with watchful jealousy. They therefore determined, that the transactions of the federal government should be subjected to a thorough examination, that the light should penetrate the obscure recesses of the different executive departments. In short, they desired to know, in what manner the men who had been in office twenty-eight years had conducted their affairs. This was a principal cause of the changes that were made.

Had General Jackson continued all the subordinate officers in the department; had he folded his hands quietly, and suffered the concerns of government to flow on in the same unbroken streams; he would have disobeyed the commands of the people, and would have violated one of the most important trusts ever conferred upon man. The people did not elect him president as a reward for his past services merely, great and distinguished as they were, but because they believed his life had furnished assurances that he possessed sufficient integrity and firmness to examine and correct all abuses wherever they existed. It was his solemn duty to remove such of the officers as he believed would stand in the way of this investigation—the public good required it. His administration stood pledged to the people to make this examination; and that pledge he meant should be fully redeemed. How then is it possible he could have redeemed this trust, had he continued those very officers in power whose past conduct was to be the subject of examination? Is it to be supposed that he would employ them to sit in judgment upon themselves? There is good reason for presumption that he removed such of them only as the public good required.*

The other acts which marked the commencement of

* Buchanan's speech.

General Jackson's administration, were such as had been expected from the well known energy of his character, and the purity of the motives which had ever been found to govern his public and private life, and they were met by the approbation of a large majority of the American people.

On the opening of congress in December, 1829, General Jackson presented his first message to the representatives of the nation. It is a very able production: and as it contains an interesting history of our national relations at that period, and also of the policy that had been commenced, and which was intended to be pursued by General Jackson in the administration of our government, we transcribe it:

"Fellow-citizens of the senate and of the house of representatives:

"It affords me pleasure to tender my friendly greetings to you on the occasion of your assembling at the seat of government, to enter upon the important duties to which you have been called by the voice of our countrymen. The task devolves on me, under a provision of the constitution, to present to you, as the federal legislature of twenty-four sovereign states, and twelve millions of happy people, a view of our affairs; and to propose such measures as, in the discharge of my official functions, have suggested themselves as necessary to promote the objects of our union.

"In communicating with you for the first time, it is, to me, a source of unfeigned satisfaction, calling for mutual gratulation and devout thanks to a benign Providence, that we are at peace with all mankind; and that our country exhibits the most cheering evidence of general welfare and progressive improvement. Turning our eyes to other nations, our great desire is to see our brethren of the human race secured in the blessings enjoyed by our-

selves, and advancing in knowledge, in freedom, and in social happiness.

"Our foreign relations, although in their general character pacific and friendly, present subjects of difference between us and other powers, of deep interest, as well to the country at large as to many of our citizens. To effect an adjustment of these shall continue to be the object of my earnest endeavors; and notwithstanding the difficulties of the task, I do not allow myself to apprehend unfavorable results. Blessed as our country is, with every thing which constitutes national strength, she is fully adequate to the maintenance of all her interests. In discharging the responsible trust confided to the executive in this respect, it is my settled purpose to ask nothing that is not clearly right, and to submit to nothing that is wrong; and I flatter myself, that, supported by the other branches of the government, and by the intelligence and patriotism of the people, we shall be able, under the protection of Providence, to cause all our just rights to be respected.

"Of the unsettled matters between the United States and other powers, the most prominent are those which have, for years, been the subject of negotiation with England, France, and Spain. The late periods at which our ministers to those governments left the United States, render it impossible, at this early day, to inform you of what has been done on the subjects with which they have been respectively charged. Relying upon the justice of our views in relation to the points committed to negotiation, and the reciprocal good feeling which characterizes our intercourse with those nations, we have the best reason to hope for a satisfactory adjustment of existing differences.

"With Great Britain, alike distinguished in peace and war, we may look forward to years of peaceful, honora-

ble, and elevated competition. Every thing in the condition and history of the two nations is calculated to inspire sentiments of mutual respect, and to carry conviction to the minds of both, that it is their policy to preserve the most cordial relations: such are my own views, and it is not to be doubted that such are also the prevailing sentiments of our constituents. Although neither time nor opportunity has been afforded for a full development of the policy which the present cabinet of Great Britain designs to pursue towards this country, I indulge the hope that it will be of a just and pacific character; and if this anticipation be realized, we may look with confidence to a speedy and acceptable adjustment of our affairs.

"Under the convention for regulating the reference to arbitration of the disputed points of boundary under the fifth article of the treaty of Ghent, the proceedings have hitherto been conducted in that spirit of candor and liberality which ought ever to characterize the acts of sovereign states, seeking to adjust, by the most unexceptionable means, important and delicate subjects of contention.—The first statements of the parties have been exchanged, and the final replication, on our part, is in a course of preparation. This subject has received the attention demanded by its great and peculiar importance to a patriotic member of this confederacy. The exposition of our rights, already made, is such as, from the high reputation of the commissioners by whom it has been prepared, we had a right to expect. Our interests at the court of the sovereign who has evinced his friendly disposition, by assuming the delicate task of arbitration, have been committed to a citizen of the state of Maine, whose character, talents, and intimate acquaintance with the subject, eminently qualify him for so responsible a trust. With full confidence in the justice of our cause, and in the probity, intelligence, and uncompromising indepen-

dence of the illustrious arbitrator, we can have nothing to apprehend from the result.

"From France, our ancient ally, we have a right to expect that justice which becomes the sovereign of a powerful, intelligent, and magnanimous people. The beneficial effects produced by the commercial convention of 1822, limited as are its provisions, are too obvious not to make a salutary impression upon the minds of those who are charged with the administration of her government.—Should this result induce a disposition to embrace, to their full extent, the wholesome principles which constitute our commercial policy, our minister to that court will be found instructed to cherish such a disposition, and to aid in conducting it to useful practical conclusions. The claims of our citizens for depredations upon their property, long since committed under the authority, and, in many instances, by the express direction, of the then existing government of France, remain unsatisfied; and must, therefore, continue to furnish a subject of unpleasant discussion, and possible collision, between the two governments. I cherish, however, a lively hope, found ed as well on the validity of those claims, and the estab lished policy of all enlightened governments, as on the known integrity of the French monarch, that the injurious delays of the past will find redress in the equity of the future. Our minister has been instructed to press these demands on the French government with all the earnestness which is called for by their importance and irrefutable justice; and in a spirit that will evince the respect which is due to the feelings of those from whom the satisfaction is required.

"Our minister recently appointed to Spain has been authorized to assist in removing evils alike injurious to both countries, either by concluding a commercial convention, upon liberal and reciprocal terms; or by urging

the acceptance, in their full extent, of the mutually beneficial provisions of our navigation acts. He has also been instructed to make a further appeal to the justice of Spain, in behalf of our citizens, for indemnity for spoliations upon our commerce, committed under her authority—an appeal which the pacific and liberal course observed on our part, and a due confidence in the honor of that government, authorize us to expect will not be made in vain.

"With other European powers, our intercourse is on the most friendly footing. In Russia, placed by her territorial limits, extensive population, and great power, high in the rank of nations, the United States have always found a steadfast friend. Although her recent invasion of Turkey awakened a lively sympathy for those who were exposed to the desolations of war, we cannot but anticipate that the result will prove favorable to the cause of civilization, and to the progress of human happiness. The treaty of peace between these powers having been ratified, we cannot be insensible to the great benefit to be derived by the commerce of the United States, from unlocking the navigation of the Black Sea—a free passage into which is secured to all merchant vessels bound to ports of Russia under a flag at peace with the Porte. This advantage, enjoyed, upon conditions, by most of the powers of Europe, has hitherto been withheld from us. During the past summer, an antecedent, but unsuccessful attempt to obtain it, was renewed under circumstances which promised the most favorable results. Although these results have fortunately been thus in part attained, further facilities to the enjoyment of this new field for the enterprise of our citizens are, in my opinion, sufficiently desirable to insure to them our most zealous attention.

"Our trade with Austria, although of secondary impor

tance, has been gradually increasing; and is now so extended, as to deserve the fostering care of the government. A negotiation, commenced and nearly completed with that power, by the late administration, has been consummated by a treaty of amity, navigation, and commerce, which will be laid before the senate.

"During the recess of congress, our diplomatic relations with Portugal have been resumed. The peculiar state of things in that country, caused a suspension of the recognition of the representative who presented himself, until an opportunity was had to obtain from our official organ there, information regarding the actual, and as far as practicable, prospective, condition of the authority by which the representative in question was appointed.—This information being received, the application of the established rule of our government, in like cases, was no longer withheld.

"Considerable advances have been made, during the present year, in the adjustment of claims of our citizens upon Denmark for spoliations; but all that we have a right to demand from that government, in their behalf, has not yet been conceded. From the liberal footing, however, upon which this subject has, with the approbation of the claimants, been placed by the government, together with the uniformly just and friendly disposition which has been evinced by his Danish majesty, there is a reasonable ground to hope that this single subject of difference will speedily be removed.

"Our relations with the Barbary powers continue, as they have long been, of the most favorable character. The policy of keeping an adequate force in the Mediterranean, as security for the continuance of this tranquillity, will be persevered in; as well as a similar one for the protection of our commerce and fisheries in the Pacific.

"The southern republics, of our own hemisphere, have

not yet realized all the advantages for which they have been so long struggling. We trust, however, that the day is not distant, when the restoration of peace and internal quiet, under permanent systems of government, securing the liberty, and promoting the happiness of the citizens, will crown, with complete success, their long and arduous efforts in the cause of self-government, and enable us to salute them as friendly rivals in all that is truly great and glorious.

"The recent invasion of Mexico, and the effect thereby produced upon her domestic policy, must have a controlling influence upon the great question of South American emancipation. We have seen the fell spirit of civil dissension rebuked, and, perhaps, forever stifled in that republic, by the love of independence. If it be true, as appearances strongly indicate, that the spirit of independence is the master spirit, and if a corresponding sentiment prevails in the other states, this devotion to liberty cannot be without a proper effect upon the counsels of the mother country. The adoption, by Spain, of a pacific policy towards her former colonies—an event consoling to humanity, and a blessing to the world, in which she herself cannot fail largely to participate—may be most reasonably expected.

"The claims of our citizens upon the South American governments, generally, are in a train of settlement; while the principal part of those upon Brazil have been adjusted, and a decree in council, ordering bonds to be issued by the minister of the treasury for their amount, has received the sanction of his imperial majesty. This event, together with the exchange of the ratifications of the treaty negotiated and concluded in 1828, happily terminates all serious causes of difference with that power.

"Measures have been taken to place our commercial relations with Peru upon a better footing than that upon

which they have hitherto rested; and if met by a proper disposition on the part of that government, important benefits may be secured to both countries.

"Deeply interested as we are in the prosperity of our sister republics, and more particularly in that of our immediate neighbor, it would be most gratifying to me, were I permitted to say, that the treatment which we have received at her hands has been as universally friendly as the early and constant solicitude manifested by the United States for her success gave us a right to expect. But it becomes my duty to inform you that prejudices, long indulged by a portion of the inhabitants of Mexico against the envoy extraordinary and minister plenipotentiary of the United States, have had an unfortunate influence upon the affairs of the two countries, and have diminished that usefulness to its own which was justly to be expected from his talents and zeal. To this cause, in a great degree, is to be imputed the failure of several measures equally interesting to both parties; but particularly that of the Mexican government to ratify a treaty negotiated and concluded in its own capital and under its own eye. Under these circumstances, it appeared expedient to give to Mr. Poinsett the option either to return or not, as, in his judgment, the interest of his country might require; and instructions to that end were prepared; but, before they could be dispatched, a communication was received from the government of Mexico, through its charge d'affaires here, requesting the recall of our minister. This was promptly complied with; and a representative of a rank corresponding with that of the Mexican diplomatic agent near this government was appointed. Our conduct towards that republic has been uniformly of the most friendly character; and having thus removed the only alledged obstacle to harmonious intercourse, I cannot but hope that an advantageous change will occur in our affairs.

"In justice to Mr. Poinsett, it is proper to say, that my immediate compliance with the application for his recall, and the appointment of his successor, are not to be ascribed to any evidence that the imputation of an improper interference by him, in the local politics of Mexico, was well founded; nor to a want of confidence in his talents or integrity; and to add, that the truth of that charge has never been affirmed by the federal government of Mexico, in its communication with this.

"I consider it one of the most urgent of my duties to bring to your attention the propriety of amending that part of our constitution which relates to the election of president and vice president. Our system of government was, by its framers, deemed an experiment; and they, therefore, consistently provided a mode of remedying its defects.

"To the people belongs the right of electing their chief magistrate: it was never designed that their choice should, in any case, be defeated, either by the intervention of electoral colleges, or by the agency confided, under certain contingencies, to the house of representatives. Experience proves, that, in proportion as agents to execute the will of the people are multiplied, there is danger of their wishes being frustrated. Some may be unfaithful; all are liable to err. So far, therefore, as the people can, with convenience, speak, it is safer for them to express their own will.

"The number of aspirants to the presidency, and the diversity of the interests which may influence their claims, leave little reason to expect a choice in the first instance: and, in that event, the election must devolve on the house of representatives, where, it is obvious, the will of the people may not be always ascertained; or, if ascertained, may not be regarded. From the mode of voting by states, the choice is to be made by twenty-four votes; and it may

often occur, that one of these may be controlled by an individual representative. Honors and offices are at the disposal of the successful candidate. Repeated ballotings may make it apparent that a single individual holds the cast in his hand. May he not be tempted to name his reward? But even without corruption—supposing the probity of the representative to be proof against the powerful motives by which he may be assailed—the will of the people is still constantly liable to be misrepresented. One may err from ignorance of the wishes of his constituents: another, from a conviction that it is his duty to be governed by his own judgment of the fitness of the candidates: finally, although all were inflexibly honest—all accurately informed of the wishes of their constituents—yet, under the present mode of election, a minority may often elect a president: and when this happens, it may reasonably be expected that efforts will be made on the part of the majority to rectify this injurious operation of their institutions. But although no evil of this character should result from such a perversion of the first principle of our system—*that the majority is to govern*—it must be very certain that a president elected by a minority cannot enjoy the confidence necessary to the successful discharge of his duties.

"In this, as in all other matters of public concern, policy requires that as few impediments as possible should exist to the free operation of the public will. Let us, then, endeavor so to amend our system, that the office of chief magistrate may not be conferred upon any citizen but in pursuance of a fair expression of the will of the majority.

"I would therefore recommend such an amendment of the constitution as may remove all intermediate agency in the election of president and vice president. The mode may be so regulated as to preserve to each state its pre-

sent relative weight in the election; and a failure in the first attempt may be provided for, by confining the second to a choice between the two highest candidates. In connexion with such an amendment, it would seem advisable to limit the service of the chief magistrate to a single term, of either four or six years. If, however, it should not be adopted, it is worthy of consideration whether a provision disqualifying for office the representatives in congress on whom such an election may have devolved, would not be proper.

"While members of congress can be constitutionally appointed to offices of trust and profit, it will be the practice, even under the most conscientious adherence to duty, to select them for such stations as they are believed to be better qualified to fill than other citizens; but the purity of our government would doubtless be promoted by their exclusion from all appointments in the gift of the president in whose election they may have been officially concerned. The nature of the judicial office, and the necessity of securing in the cabinet and in diplomatic stations of the highest rank, the best talents and political experience, should, perhaps, except these from the exclusion.

"There are perhaps few men who can for any great length of time enjoy office and power, without being more or less under the influence of feelings unfavorable to a faithful discharge of their public duties. Their integrity may be proof against improper considerations immediately addressed to themselves; but they are apt to acquire a habit of looking with indifference upon the public interests, and of tolerating conduct from which an unpractised man would revolt. Office is considered as a species of property; and government, rather as a means of promoting individual interests, than as an instrument created solely for the service of the people. Corruption in some, and in others, a perversion of correct feelings and princi-

ples, divert government from its legitimate ends, and make it an engine for the support of the few at the expense of the many. The duties of all public officers are, or, at least, admit of being made, so plain and simple, that men of intelligence may readily qualify themselves for their performance; and I cannot but believe that more is lost by the long continuance of men in office, than is generally to be gained by their experience. I submit therefore to your consideration, whether the efficiency of the government would not be promoted, and official industry and integrity better secured, by a general extension of the law which limits appointments to four years.

"In a country where offices are created solely for the benefit of the people, no one man has any more intrinsic right to official station than another. Offices were not established to give support to particular men, at the public expense. No individual wrong is therefore done by removal, since neither appointment to, nor continuance in, office, is matter of right. The incumbent became an officer with a view to public benefits; and when these require his removal, they are not to be sacrificed to private interests. It is the people, and they alone, who have a right to complain, when a bad officer is substituted for a good one. He who is removed has the same means of obtaining a living, that are enjoyed by the millions who never held office. The proposed limitation would destroy the idea of property, now so generally connected with official station; and although individual distress may be sometimes produced, it would, by promoting that rotation which constitutes a leading principle in the republican creed, give healthful action to the system.

"No very considerable change has occurred, during the recess of congress, in the condition of either our agriculture, commerce, or manufactures. The operation of the tariff has not proved so injurious to the two former, or

as beneficial to the latter, as was anticipated. Importations of foreign goods have not been sensibly diminished; while domestic competition, under an illusive excitement, has increased the production much beyond the demand for home consumption. The consequences have been low prices, temporary embarrassment, and partial loss. That such of our manufacturing establishments as are based upon capital, and are prudently managed, will sur vive the shock, and be ultimately profitable, there is no good reason to doubt.

"To regulate its conduct, so as to promote equally the prosperity of these three cardinal interests, is one of the most difficult tasks of government; and it may be regretted that the complicated restrictions which now embarrass the intercourse of nations, could not by common consent be abolished, and commerce allowed to flow in those channels to which individual enterprise—always its surest guide—might direct it. But we must ever expect selfish legislation in other nations; and are therefore compelled to adapt our own to their regulations, in the manner best calculated to avoid serious injury, and to harmonize the conflicting interests of our agriculture, our commerce, and our manufactures. Under these impressions, I invite your attention to the existing tariff, believing that some of its provisions require modification.

"The general rule to be applied in graduating the duties upon articles of foreign growth or manufacture, is that which will place our own in fair competition with those of other countries; and the inducements to advance even a step beyond this point, are controlling in regard to those articles which are of primary necessity in time of war. When we reflect upon the difficulty and delicacy of this operation, it is important that it should never be attempted but with the utmost caution. Frequent legislation in regard to any branch of industry, affecting its va-

lue, and by which its capital may be transferred to new channels, must always be productive of hazardous speculation and loss.

"In deliberating, therefore, on these interesting subjects, local feelings and prejudices should be merged in the patriotic determination to promote the great interests of the whole. All attempts to connect them with the party conflicts of the day are necessarily injurious, and should be discountenanced. Our action upon them should be under the control of higher and purer motives. Legislation, subjected to such influence, can never be just; and will not long retain the sanction of a people, whose active patriotism is not bounded by sectional limits, nor insensible to that spirit of concession and forbearance, which gave life to our political compact, and still sustains it. Discarding all calculations of political ascendency, the north, the south, the east, and the west, should unite in diminishing any burthen, of which either may justly complain.

"The agricultural interests of our country is so essentially connected with every other, and so superior in importance to them all, that it is scarcely necessary to invite to it your particular attention. It is principally as manufactures and commerce tend to increase the value of agricultural productions, and to extend their application to the wants and comforts of society, that they deserve the fostering care of government.

"Looking forward to the period, not far distant, when a sinking fund will no longer be required, the duties on those articles of importation which cannot come in competition with our own productions, are the first that should engage the attention of congress in the modification of the tariff. Of these, tea and coffee are the most prominent: they enter largely into the consumption of the country, and have become articles of necessity to all classes. A re

duction, therefore, of the existing duties, will be felt as a common benefit; but, like all other legislation connected with commerce, to be efficacious, and not injurious, it should be gradual and certain.

"The public prosperity is evinced in the increased revenue arising from the sales of the public lands; and in the steady maintenance of that produced by imposts and tonnage, notwithstanding the additional duties imposed by the act of 19th May, 1828, and the unusual importations in the early part of that year.

"The balance in the treasury, on the 1st of January, 1829, was five millions nine hundred and seventy-two thousand four hundred and thirty-five dollars and eighty-one cents. The receipts of the current year are estimated at twenty-four millions six hundred and two thousand two hundred and thirty dollars, and the expenditures for the same time, at twenty-six millions one hundred and sixty-four thousand five hundred and ninety-five dollars; leaving a balance in the treasury, on the 1st of January next, of four millions four hundred and ten thousand and seventy dollars and eighty-one cents.

"There will have been paid, on account of the public debt, during the present year, the sum of twelve millions four hundred and five thousand and five dollars and eighty cents; reducing the whole debt of the government, on the first of January next, to forty-eight millions five hundred and sixty-five thousand four hundred and six dollars and fifty cents, including seven millions of five per cent. stock, subscribed to the bank of the United States. The payment on account of the public debt, made on the first of July last, was eight millions seven hundred and fifteen thousand four hundred and sixty-two dollars and eighty-seven cents. It was apprehended that the sudden withdrawal of so large a sum from the banks in which it was deposited, at a time of unusual pressure in the money

market, might cause much injury to the interests dependent on bank accomodations. But this evil was wholly averted by an early anticipation of it at the treasury, aided by the judicious arrangements of the officers of the bank of the United States.

"This state of the finances exhibits the resources of the nation in an aspect highly flattering to its industry; and auspicious of the ability of government, in a very short time, to extinguish the public debt. When this shall be done, our population will be relieved from a considerable portion of its present burthens; and will find, not only new motives to patriotic affection, but additional means for the display of individual enterprise. The fiscal power of the states will also be increased; and may be more extensively exerted in favor of education and other public objects: while ample means will remain in the federal government to promote the general weal, in all the modes permitted to its authority.

"After the extinction of the public debt, it is not probable that any adjustment of the tariff, upon principles satisfactory to the people of the union, will, until a remote period, if ever, leave the government without a considerable surplus in the treasury, beyond what may be required for its current service. As then the period approaches when the application of the revenue to the payment of debt will cease, the disposition of the surplus will present a subject for the serious deliberation of congress; and it may be fortunate for the country that it is yet to be decided. Considered in connexion with the difficulties which have heretofore attended appropriations for purposes of internal improvement; and with those which this experience tells us will certainly arise, whenever power over such subjects may be exercised by the general government; it is hoped that it may lead to the adoption of some plan which will reconcile the diversified interests of the states

and strengthen the bonds which unite them. Every member of the union, in peace and in war, will be benefited by the improvement of inland navigation and the construction of highways in the several states. Let us then endeavor to attain this benefit in a mode which will be satisfactory to all. That hitherto adopted, has, by many of our fellow-citizens, been deprecated as an infraction of the constitution; while by others it has been viewed as inexpedient. All feel that it has been employed at the expense of harmony in the legislative councils.

"To avoid these evils, it appears to me that the most safe, just and federal disposition which could be made of the surplus revenue, would be its apportionment among the several states according to their ratio of representation; and should this measure not be found warranted by the constitution, that it would be expedient to propose to the states an amendment authorizing it. I regard an appeal to the source of power, in cases of real doubt, and where its exercise is deemed indispensable to the general welfare, as among the most sacred of all our obligations. Upon this country, more than any other, has, in the providence of God, been cast the special guardianship of the great principle of adherence to written constitutions. If it fail here, all hope in regard to it will be extinguished. That this was intended to be a government of limited and specific, and not general powers, must be admitted by all; and it is our duty to preserve for it the character intended by its framers. If experience points out the necessity for an enlargement of these powers, let us apply for it to those for whose benefit it is to be exercised; and not undermine the whole system by a resort to overstrained constructions. The scheme has worked well. It has exceeded the hopes of those who devised it, and become an object of admiration to the world. We are responsible to our country, and to the glorious cause of self-government, for the pre-

servation of so great a good. The great mass of legislation relating to our internal affairs, was intended to be left where the federal convention found it,—in the state governments. Nothing is clearer, in my view, than that we are chiefly indebted for the success of the constitution under which we are now acting, to the watchful and auxiliary operation of the state authorities. This is not the reflection of a day, but belongs to the most deeply rooted convictions of my mind. I cannot therefore, too strongly or too earnestly, for my own sense of its importance, warn you against all encroachments upon the legitimate sphere of state sovereignty. Sustained by its healthful and invigorating influence, the federal system can never fall.

"In the collection of the revenue, the long credits authorized on goods imported from beyond the Cape of Good Hope are the chief cause of the losses at present sustained. If these were shortened to six, nine, and twelve months, and warehouses provided by government, sufficient to receive the goods offered in deposite for security and for debenture; and if the right of the United States to a priority of payment out of the estates of its insolvent debtors were more effectually secured,—this evil would, in a great measure, be obviated. An authority to construct such houses is, therefore, with the proposed alteration of the credits, recommended to your attention.

"It is worthy of notice, that the laws for the collection and security of the revenue arising from imposts, were chiefly framed when the rates of duties on imported goods presented much less temptation for illicit trade than at present exists. There is reason to believe that these laws are, in some respects, quite insufficient for the proper security of the revenue, and the protection of the interests of those who are disposed to observe them. The injurious and demoralizing tendency of a successful system of smuggling is so obvious as not to require comment, and

cannot be too carefully guarded against. I therefore suggest to congress the propriety of adopting efficient measures to prevent this evil, avoiding, however, as much as possible, every unnecessary infringement of individual liberty, and embarrassment of fair and lawful business.

"On an examination of the records of the treasury, I have been forcibly struck with the large amount of public money which appears to be outstanding. Of the sum thus due from individuals to the government, a considerable portion is undoubtedly desperate; and, in many instances, has probably been rendered so by remissness in the agents charged with its collection. By proper exertions, a great part, however, may yet be recovered; and, whatever may be the portions respectively belonging to these two classes, it behooves the government to ascertain the real state of the fact. This can be done only by the prompt adoption of judicious measures for the collection of such as may be made available. It is believed that a very large amount has been lost through the inadequacy of the means provided for the collection of debts due to the public; and that this inadequacy lies chiefly in the want of legal skill, habitually and constantly employed in the direction of the agents engaged in the service. It must, I think, be admitted, that the supervisory power over suits brought by the public, which is now vested in an *accounting* officer of the treasury, not selected with a view to his legal knowledge, and incumbered as he is with numerous other duties, operates unfavorably to the public interest.

"It is important that this branch of the public service should be subjected to the supervision of such professional skill as will give it efficiency. The expense attendant upon such a modification of the executive department, would be justified by the soundest principles of economy. I would recommend, therefore, that the duties now as-

signed to the agent of the treasury, so far as they relate to the superintendence and management of legal proceedings, on the part of the United States, be transferred to the attorney general; and that this officer be placed on the same footing, in all respects, as the heads of the other departments,—receiving like compensation, and having such subordinate officers provided for his department, as may be requisite for the discharge of these additional duties. The professional skill of the attorney general, employed in directing the conduct of marshals and district attorneys, would hasten the collection of debts now in suit, and hereafter save much to the government. It might be further extended to the superintendence of all criminal proceedings, for offences against the United States. In making this transfer, great care should be taken, however, that the power necessary to the treasury department be not impaired: one of its greatest securities consisting in a control over all accounts, until they are audited or reported for suit.

"In connexion with the foregoing views, I would suggest, also, an inquiry, whether the provisions of the act of congress, authorizing the discharge of the persons of debtors to the government, from imprisonment, may not, consistently with the public interest, be extended to the release of the debt, where the conduct of the debtor is wholly exempt from the imputation of fraud. Some more liberal policy than that which now prevails, in reference to this unfortunate class of citizens, is certainly due to them, and would prove beneficial to the country. The continuance of the liability, after the means to discharge it have been exhausted, can only serve to dispirit the debtor; or, where his resources are but partial, the want of power in the government to compromise and release the demand, instigates to fraud, as the only resource for securing a support to his family. He thus sinks into a state

of apathy, and becomes a useless drone in society, or a vicious member of it, if not a feeling witness of the rigor and inhumanity of his country. All experience proves, that oppressive debt is the bane of enterprise; and it should be the care of a republic not to exert a grinding power over misfortune and poverty.

"Since the last session of congress, numerous frauds on the treasury have been discovered, which I thought it my duty to bring under the cognizance of the United States' court for this district, by a criminal prosecution. It was my opinion, and that of able counsel who were consulted, that the cases came within the penalties of the act of the 17th congress, approved 3d March, 1823, providing for the punishment of frauds committed on the government of the United States. Either from some defect in the law, or in its administration, every effort to bring the accused to trial, under its provisions, proved ineffectual; and the government was driven to the necessity of resorting to the vague and inadequate provisions of the common law. It is therefore my duty to call your attention to the laws which have been passed for the protection of the treasury. If, indeed, there be no provision by which those who may be unworthily intrusted with its guardianship, can be punished for the most flagrant violation of duty, extending even to the most fraudulent appropriation of the public funds to their own use; it is time to remedy so dangerous an omission. Or, if the law has been perverted from its original purposes, and criminals, deserving to be punished under its provisions, have been rescued by legal subtleties; it ought to be made so plain, by amendatory provisions, as to baffle the arts of perversion, and accomplish the ends of its original enactment.

"In one of the most flagrant cases, the court decided that the prosecution was barred by the statute which limits prosecution for fraud to two years. In this case all the

evidences of the fraud, and indeed all knowledge that a fraud had been committed, were in possession of the party accused, until after the two years had elapsed. Surely the statute ought not to run in favor of any man, while he retains all the evidences of his crime in his own possession; and, least of all, in favor of a public officer who continues to defraud the treasury, and conceal the transaction for the brief term of two years. I would therefore recommend such an alteration of the law as will give the injured party and the government two years after the disclosure of the fraud, or after the accused is out of office, to commence their prosecution.

"In connexion with this subject, I invite the attention of congress to a general and minute inquiry into the condition of the government; with a view to ascertain what offices can be dispensed with, what expenses retrenched, and what improvements may be made in the organization of its various parts, to secure the proper responsibility of public agents, and promote efficiency and justice in all its operations.

"The report of the secretary of war will make you acquainted with the condition of our army, fortifications, arsenals, and Indian affairs. The proper discipline of the army, the training and equipment of the militia, the education bestowed at West Point, and the accumulation of the means of defence, applicable to the naval force; will tend to prolong the peace we now enjoy, and which every good citizen—more especially those who have felt the miseries of even a successful warfare—must ardently desire to perpetuate.

"The returns from the subordinate branches of this service, exhibit a regularity and order highly creditable to its character; both officers and soldiers seem imbued with a proper sense of duty, and conform to the restraints of exact discipline, with that cheerfulness which becomes the

profession of arms. There is need, however, of further legislation, to obviate the inconveniences specified in the report under consideration; to some of which it is proper that I should call your particular attention.

"The act of congress of the 2d March, 1821, to reduce and fix the military establishment, remaining unexecuted as it regards the command of one of the regiments of artillery, cannot now be deemed a guide to the executive in making the proper appointment. An explanatory act, designating the class of officers out of which this grade is to be filled—whether from the military list, as existing prior to the act of 1821, or from it, as it has been fixed by that act—would remove this difficulty. It is also important that the laws regulating the pay and emoluments of officers generally, should be more specific than they now are. Those, for example, in relation to the paymaster and surgeon general, assign to them an annual salary of two thousand five hundred dollars, but are silent as to allowances, which, in certain exigencies of the service, may be deemed indispensable to the discharge of their duties. This circumstance has been the authority for extending to them various allowances, at different times, under former administrations: but no uniform rule has been observed on the subject. Similar inconveniences exist in other cases, in which the construction put upon the laws, by the public accountants, may operate unequally, produce confusion, and expose officers to the odium of claiming what is not their due.

"I recommend to your fostering care, as one of your safest means of national defence, the military academy.—This institution has already exercised the happiest influence upon the moral and intellectual character of our army; and such of the graduates as, from various causes, may not pursue the profession of arms, will be scarcely less useful as citizens. Their knowledge of the military

art will be advantageously employed in the militia service; and in a measure, secure to that class of troops the advantages which, in this respect, belong to standing armies.

"I would also suggest a review of the pension law, for the purpose of extending its benefits to every revolutionary soldier who aided in establishing our liberties, and who is unable to maintain himself in comfort. These relics of the war of independence have strong claims upon their country's gratitude and bounty. The law is defective, in not embracing within its provisions all those who were, during the last war, disabled from supporting themselves by manual labor. Such an amendment would add but little to the amount of pensions, and is called for by the sympathies of the people, as well as by considerations of sound policy. It will be perceived that a large addition to the list of pensioners has been occasioned by an order of the late administration, departing materially from the rules which had previously prevailed. Considering it an act of legislation, I suspended its operation as soon as I was informed that it had commenced. Before this period, however, applications under the new regulation had been preferred, to the number of one hundred and fifty-four: of which, on the 27th March, the date of its revocation, eighty-seven were admitted. For the amount, there was neither estimate nor appropriation; and besides this deficiency, the regular allowances, according to the rules which have heretofore governed the department, exceed the estimate of its late secretary, by about fifty thousand dollars: for which an appropriation is asked.

"Your particular attention is requested to that part of the report of the secretary of war, which relates to the money held in trust for the Seneca tribe of Indians. It will be perceived that, without legislative aid, the execu-

tive cannot obviate the embarrassments occasioned by the diminution of the dividends on that fund; which originally amounted to one hundred thousand dollars, and has recently been vested in United States' three per cent. stock.

"The condition and ulterior destiny of the Indian tribes within the limits of some of our states, have become objects of much interest and importance. It has long been the policy of government to introduce among them the arts of civilization, in the hope of gradually reclaiming them from a wandering life. This policy has, however, been coupled with another, wholly incompatible with its success. Professing a desire to civilize and settle them, we have, at the same time, lost no opportunity to purchase their lands, and thrust them further into the wilderness. By this means they have not only been kept in a wandering state, but been led to look upon us as unjust and indifferent to their fate. Thus, though lavish in its expenditures upon the subject, government has constantly defeated its own policy; and the Indians in general, receding further and further to the west, have retained their savage habits. A portion, however, of the southern tribes, having mingled much with the whites, and made some progress in the arts of civilized life, have lately attempted to erect an independent government, within the limits of Georgia and Alabama. These states, claiming to be the only sovereigns within their territories, extended their laws over the Indians; which induced the latter to call upon the United States for protection.

"Under these circumstances, the question presented was, whether the general government had a right to sustain those people in their pretensions? The constitution declares, that 'no new state shall be formed or erected within the jurisdiction of any other state,' without the consent of its legislature. If the general government is

not permitted to tolerate the erection of a confederate state within the territory of one of the members of this union, against her consent, much less could it allow a foreign and independent government to establish itself there. Georgia became a member of the confederacy which eventuated in our federal union, as a sovereign state, always asserting her claim to certain limits; which having been originally defined in her colonial charter, and subsequently recognized in the treaty of peace, she has ever since continued to enjoy, except as they have been circumscribed by her own voluntary transfer of a portion of her territory to the United States, in the articles of cession of 1802. Alabama was admitted into the union, on the same footing with the original states, with boundaries which were prescribed by congress. There is no constitutional, conventional, or legal provision, which allows them less power over the Indians within their borders, than is possessed by Maine or New York. Would the people of Maine permit the Penobscot tribe to erect an independent government within their state? and unless they did, would it not be the duty of the general government to support them in resisting such a measure? Would the people of New York permit each remnant of the Six Nations within her borders, to declare itself an independent people under the protection of the United States? Could the Indians establish a separate republic on each of their reservations in Ohio? and if they were so disposed, would it be the duty of this government to protect them in the attempt? If the principle involved in the obvious answer to these questions be abandoned, it will follow that the objects of this government are reversed; and that it has become a part of its duty to aid in destroying the states which it was established to protect.

"Actuated by this view of the subject, I informed the Indians inhabiting parts of Georgia and Alabama, that

their attempt to establish an independent government would not be countenanced by the executive of the United States; and advised them to emigrate beyond the Mississippi, or submit to the laws of those states.

"Our conduct towards these people is deeply interesting to our national character. Their present condition, contrasted with what they once were, makes a most powerful appeal to our sympathies. Our ancestors found them the uncontrolled possessors of these vast regions. By persuasion and force, they have been made to retire from river to river, and from mountain to mountain; until some of the tribes have become extinct, and others have left but remnants to preserve, for a while, their once terrible names. Surrounded by the whites, with their arts of civilization, which, by destroying the resources of the savage, doom him to weakness and decay; the fate of the Mohegan, the Narragansett, and the Delaware, is fast overtaking the Choctaw, the Cherokee, and the Creek. That this fate surely awaits them, if they remain within the limits of the states, does not admit of a doubt. Humanity and national honor demand that every effort should be made to avert so great a calamity. It is too late to inquire whether it was just in the United States to include them and their territory within the bounds of new states whose limits they could control. That step cannot be retraced. A state cannot be dismembered by congress, or restricted in the exercise of her constitutional power. But the people of those states, and of every state, actuated by feelings of justice, and regard for our national honor, submit to you the interesting question, whether something cannot be done, consistently with the rights of the states, to preserve this much injured race?

"As a means of effecting this end, I suggest for your consideration, the propriety of setting apart an ample district west of the Mississippi, and without the limits of

any state or territory, now formed, to be guaranteed to the Indian tribes, as long as they shall occupy it: each tribe having a distinct control over the portion designated for its use. There they may be secured in the enjoyment of governments of their own choice, subject to no other control from the United States, than such as may be necessary to preserve peace on the frontier, and between the several tribes. There the benevolent may endeavor to teach them the arts of civilization; and by promoting union and harmony among them, to raise up an interesting commonwealth, destined to perpetuate the race, and to attest the humanity and justice of this government.

"This emigration should be voluntary: for it would be as cruel as unjust to compel the aborigines to abandon the graves of their fathers, and seek a home in a distant land. But they should be distinctly informed, that if they remain within the limits of the states, they must be subject to their laws. In return for their obedience, as individuals, they will, without doubt, be protected in the enjoyment of those possessions which they have improved by their industry. But it seems to me visionary to suppose, that, in this state of things, claims can be allowed on tracts of country on which they have neither dwelt nor made improvements, merely because they have seen them from the mountain, or passed them in the chase. Submitting to the laws of the states, and receiving, like other citizens, protection in their persons and property, they will, ere long, become merged in the mass of our population.

"The accompanying report of the secretary of the navy will make you acquainted with the condition and useful employment of that branch of our service, during the present year. Constituting, as it does, the best standing security of this country against foreign aggression, it claims the especial attention of government. In this spirit, the

measures which, since the termination of the last war, have been in operation for its gradual enlargement, were adopted; and it should continue to be cherished as the offspring of our national experience. It will be seen, however, that, notwithstanding the great solicitude which has been manifested for the perfect organization of this arm, and the liberality of the appropriations which that solicitude has suggested, this object has, in many important respects not been secured.

"In time of peace, we have need of no more ships of war than are requisite to the protection of our commerce. Those not wanted for this object, must lay in the harbors, where, without proper covering, they rapidly decay; and, even under the best precautions for their preservation, must soon become useless. Such is already the case with many of our finest vessels; which, though unfinished, will now require immense sums of money to be restored to the condition in which they were when committed to their proper element. On this subject there can be but little doubt that our best policy would be to discontinue the building of ships of the first and second class, and look rather to the possession of ample materials, prepared for the emergencies of war, than to the number of vessels which we can float in a season of peace, as the index of our naval power. Judicious deposites in navy yards, of timber and other materials, fashioned under the hands of skillful workmen, and fitted for prompt application to their various purposes, would enable us, at all times, to construct vessels as fast as they can be manned; and save the heavy expense of repairs, except to such vessels as must be employed in guarding our commerce. The proper points for the establishment of these yards, are indicated with so much force in the report of the navy board, that, in recommending it to your attention, I deem it unnecessary to do more than express my hearty concurrence in

their views. The yard in this district, being already furnished with most of the machinery necessary for ship building, will be competent to the supply of the two selected by the board as the best for the concentration of materials; and, from the facility and certainty of communication between them, it will be useless to incur, at these depots, the expense of similar machinery, especially that used in preparing the usual metallic and wooden furniture of vessels.

"Another improvement would be effected by dispensing altogether with the navy board, as now constituted, and substituting, in its stead, bureaus similar to those already existing in the war department. Each member of the board, transferred to the head of a separate bureau, charged with specific duties, would feel, in its highest degree, that wholesome responsibility which cannot be divided without a far more than proportionate diminution of its force. Their valuable services would become still more so, when separately appropriated to distinct portions of the great interests of the navy; to the prosperity of which each would be impelled to devote himself by the strongest motives. Under such an arrangement, every branch of this important service would assume a more simple and precise character; its efficiency would be increased, and scrupulous economy in the expenditure of public money promoted.

"I would also recommend that the marine corps be merged in the artillery or infantry, as the best mode of curing the many defects in its organization. But little exceeding in number any of the regiments of infantry, that corps has, besides its lieutenant colonel commandant, five brevet lieutenant colonels, who receive the full pay and emoluments of their brevet rank, without rendering proportionate service. Details for marine service could as well be made from the infantry, or artillery—there being no peculiar training requisite for it.

"With these improvements, and such others as zealous watchfulness and mature consideration may suggest, there can be little doubt that, under an energetic administration of its affairs, the navy may soon be made every thing that the nation wishes it to be. Its efficiency in the suppression of piracy in the West India seas, and wherever its squadrons have been employed in securing the interests of the country, will appear from the report of the secretary, to which I refer you for other interesting details. Among these, I would bespeak the attention of congress for the views presented in relation to the inequality between the army and navy as to the pay of officers. No such inequality should prevail between these brave defenders of their country; and where it does exist, it is submitted to congress whether it ought not to be rectified.

"The report of the postmaster general is referred to as exhibiting a highly satisfactory administration of that department. Abuses have been reformed; increased expedition in the transmission of the mail secured; and its revenue much improved. In a political point of view, this department is chiefly important as affording the means of diffusing knowledge. It is to the body politic what the veins and arteries are to the natural,—conveying rapidly and regularly, to the remotest parts of the system, correct information of the operations of the government, and bringing back to it the wishes and feelings of the people. Through its agency, we have secured to ourselves the full enjoyment of the blessings of a free press.

"In this general survey of our affairs, a subject of high importance presents itself in the present organization of the judiciary. A uniform operation of the federal government in the different states is certainly desirable; and, existing as they do in the union, on the basis of per

fect equality, each state has a right to expect that the benefits conferred on the citizens of others should be extended to hers. The judicial system of the United States exists in all its efficiency in only fifteen members of the union: to three others, the circuit courts, which constitute an important part of that system, have been imperfectly extended: and to the remaining six, altogether denied. The effect has been to withhold from the inhabitants of the latter the advantages afforded (by the supreme court) to their fellow citizens in other states, in the whole extent of the criminal, and much of the civil authority of the federal judiciary. That this state of things ought to be remedied, if it can be done consistently with the public welfare, is not to be doubted; neither is it to be disguised that the organization of our judicial system is at once a difficult and delicate task. To extend the circuit courts equally throughout the different parts of the union, and, at the same time, to avoid such a multiplication of members as would incumber the supreme appellate tribunal, is the object desired. Perhaps it might be accomplished by dividing the circuit judges into two classes, and providing that the supreme court should be held by those classes alternately—the chief justice always presiding.

"If an extension of the circuit court system to those states which do not now enjoy its benefits, should be determined upon, it would, of course, be necessary to revise the present arrangement of the circuits; and even if that system should not be enlarged, such a revision is recommended.

"A provision for taking the census of the people of the United States will, to ensure the completion of that work within a convenient time, claim the early attention of congress.

"The great and constant increase of business in the department of state, forced itself, at an early period, upon

the attention of the executive. Thirteen years ago, it was, in Mr. Madison's last message to congress, made the subject of an earnest recommendation, which has been repeated by both of his successors; and my comparatively limited experience has satisfied me of its justness. It has arisen from many causes, not the least of which is the large addition that has been made to the family of independent nations, and the proportionate extension of our foreign relations. The remedy proposed was the establishment of a home department—a measure which does not appear to have met the views of congress, on account of its supposed tendency to increase gradually, and imperceptibly, the already too strong bias of the federal system towards the exercise of authority not delegated to it. I am not, therefore, disposed to revive the recommendation; but am not the less impressed with the importance of so organizing that department, that its secretary may devote more of its time to our foreign relations. Clearly satisfied that the public good would be promoted by some suitable provision on the subject, I respectfully invite your attention to it.

"The charter of the bank of the United States expires in 1836, and its stockholders will most probably apply for a renewal of their privileges. In order to avoid the evils resulting from precipitancy in a measure involving such important principles, and such deep pecuniary interests, I feel that I cannct, in justice to the parties interested, too soon present it to the deliberate consideration of the legislature and the people. Both the constitutionality and the expediency of the law creating this bank, are well questioned by a large portion of our fellow citizens; and it must be admitted by all, that it has failed in the great end of establishing a uniform and sound currency.

"Under these circumstances, if such an institution is

deemed essential to the fiscal operations of the government, I submit to the wisdom of the legislature, whether a national one, founded upon the credit of the government and its revenues, might not be devised, which would avoid all constitutional difficulties, and at the same time secure all the advantages to the government and country that were expected to result from the present bank.

"I cannot close this communication without bringing to your view the just claim of the representatives of Commodore Decatur, his officers and crew, arising from the re-capture of the frigate Philadelphia, under the heavy batteries of Tripoli. Although sensible, as a general rule, of the impropriety of executive interference under a government like ours, where every individual enjoys the right of directly petitioning congress; yet, viewing this case as one of a very peculiar character, I deem it my duty to recommend it to your favorable consideration. Besides the justice of this claim, as corresponding to those which have been since recognized and satisfied, it is the fruit of a deed of patriotic and chivalrous daring, which infused life and confidence into our infant navy, and contributed, as much as any exploit in its history, to elevate our national character. Public gratitude, therefore, stamps her seal upon it; and the meed should not be withheld which may hereafter operate as a stimulus to our gallant tars.

"I now commend you, fellow citizens, to the guidance of Almighty God, with a full reliance on his merciful Providence for the maintenance of our free institutions; and with an earnest supplication, that, whatever errors it may be my lot to commit, in discharging the arduous duties which have devolved on me, will find a remedy in the harmony and wisdom of your counsels.

ANDREW JACKSON."

CHAPTER XVIII.

Approbation of the Message—Maysville Road Bill—Returned to the House by General Jackson, with his objections—Mr. Barbour's defence of this official act—Meeting of Congress in 1830—*General Jackson's Message—Remarks upon it—Correspondence between him and Mr. Calhoun—Developments made by that correspondence—Its beneficial results to General Jackson.*

The message of President Jackson met with a more gracious reception, from the political party which opposed his election, than could have been anticipated, from the violent animosity they had uniformly manifested against him and his acts. It was indeed a production of distinguished ability; it developed with clearness the policy that would be pursued by the administration, and the principles on which its measures were based. General Jackson, as the head of that administration, had acquired for himself a brilliant reputation in serving his country; but was in retirement when the people besought him to return to public life. He had yielded to their ardent wishes; but his election had been resisted by all the energies that could be put in motion by a bold, active opposition party in power, determined on the prolongation of it. This resistance had been met and overcome by the combined efforts of a large majority of the American people, acting under the influence which had enabled them, in 1801, to achieve a similar triumph by the election of Mr. Jefferson.

Thus far had General Jackson's administration answer-

ed the anticipations of its friends; the work of reform had been auspiciously commenced; corruption, which had found its way into official stations, had been exposed and punished; the work of retrenchment had been begun; the constitution, as far as it regarded the executive power, was correctly expounded; in short, most that had been cherished and admired in the fortunate administration of Jefferson, was renewed in that of Jackson.

Many questions, of deep interest to the American union, came before this session of our national congress. But no one act of national legislation was more deeply interesting to the people of the United States, or served more admirably to show the firmness, patriotism, and regard to the constitution, by General Jackson, than the bill which originated in the house of representatives, and passed that house, and also the senate, for authorizing a subscription of the stock of the Maysville and Washington Turnpike Road Company, in Kentucky. This bill was returned to the house from which it originated, with the objections of the president, detailed at length, against its passage. His reasonings clearly evinced the unconstitutionality of the bill, and the injurious tendency of its practical operations, and they received a cordial acquiescence from a large majority of the American people.

On the reconsideration of the bill, by the house, several distinguished members ably defended this official act of the president. We have room only for an extract from a speech of Mr. P. P. Barbour, on that occasion.

"Mr. Speaker, I feel impelled, by an imperative sense of justice, to say something in vindication and justification of the chief magistrate of the union, against the strong animadversions in which gentlemen have indulged towards him, because he has dared to do his duty. If, in doing this, I shall use the language of commendation, let no man suppose that it is in the spirit of personal

adoration. I never have been, and trust in God I never shall be, a worshipper of men. I never have felt the influence of a single ray of executive patronage.

"But when a public functionary, at a period of great political excitement, like the present, has advanced with a firm and fearless step, to the discharge of his public duty, as the president in this case has done, 'uncaring consequences,' as they regarded himself,—when, by this manly and independent course, he has contributed essentially to promote the happiness, the prosperity, and the best interests of a mighty community of states—whilst I will do no homage to the man, I must, I will do justice to the rare and distinguished merit of the officer; and if this cannot be done, without ascribing to him even the highest degree of praise, then that praise is a tribute justly due to him, and which I most cheerfully pay.

"But let us inquire, what has the president done which calls forth this loud complaint? Why, forsooth, he has dared to put his veto upon a bill, passed by both houses of congress, and has returned it with his objections. And has it come to this, that it is cause of complaint, that the chief executive magistrate, constituting, as he does, a co-ordinate branch of the legislature, has ventured to perform his constitutional function, in dissenting from a law, which, in his judgment, would be ruinous in its consequences. Was it in the contemplation of those who framed the constitution, that the president should be set up as a mere pageant, with powers possessed in theory, but never to be reduced to practice; or was it intended that this veto upon legislation, like every other power, should be exercised, whensoever the occasion should occur to make it necessary? Do not gentlemen perceive that they might, with as much reason, complain, that the senate had negatived one of our bills? for they, too, are only a co-ordinate branch of the legislature, as is the executive magistrate.

"Sir, each department, and every branch of each department of the government, has its appropriate functions assigned. The country expects and requires every one to do his duty, whether it consists of one man or a plurality of men. And whosoever shall fail to do so, though he may hope to consult his own safety, by an avoidance of responsibility, will find that he has forfeited the esteem and confidence which are inevitably awarded by public opinion, to firmness and fidelity in the performance of public trusts. The constitution proceeds upon the idea that congress, composed of the senate and house of representatives, is not *infallible*. It has, therefore, erected the additional barrier of the executive veto, against hasty or injudicious action. It contemplates that veto as countervailing the opinion of one third of both houses, because its interposition makes the concurrence of two thirds of both houses necessary. To complain, then, of its exercise, is to quarrel with the form of government under which we live. It is the precise reverse of a complaint which we have often heard of in a European monarchy. There the king complained whenever the parliament refused to register *his* edicts. Here the congress are to complain, whenever the chief magistrate declines to register *their* will.

"I rejoice, sir, that he has so declined. I congratulate my country, that, in this instance, the chief magistrate has displayed as much of moral, as he heretofore did of physical courage,—as much decision and energy in the cabinet, as he heretofore did in the field; by which he will, in some degree at least, arrest the progress of a system, which, in its unrestrained career, threatens to produce more mischief than any man, either in or out of congress, can pretend even to estimate.

"Mr. Speaker, I heard with surprise, nay, with astonishment, the bitter, the acrimonious, and I must add, the

unjustifiable invective, which the member from Ohio poured forth, in a torrent, against the chief magistrate upon this occasion. The main purpose of the gentleman seemed to be, to inculcate the opinion that the rejection of the bill in question was with a view to acquiring popularity. What, sir, an attempt at popularity! Look for a moment at the circumstances of the case, and then tell me if this opinion can be sustained.

"The bill was not only carried by a majority, as it must have been, but by a decisive majority of both houses of congress. Can any man suppose that a president, who set out on an adventure in quest of popularity, would make his first experiment against a question, which, by passing both houses of congress, seemed to carry with it the approbation of the states and the people of the states? On the contrary, if he were going for himself, rather than for his country, would he not, by approving the bill, have just floated down the current of apparent public opinion, without encountering the least impediment in his course? Instead of this, sir, what has he done? Regarding his country more than himself—looking, with an eye that never winked, to the public good, and not his personal aggrandizement—he has withholden his approval from this bill, which was a favorite bantling with a majority of congress; he has thus placed himself in a position where he has to win his way to public approbation, in this respect, under adverse circumstances, as the mariner who has to row up stream against wind and tide. And this is said to be seeking after popularity! *Credat Judæus Apella.* Sir, it is any thing but seeking after popularity, in the obnoxious sense in which that expression has been applied to him. But if I know any thing of the character of my countrymen,—if a rare example of political integrity and firmness will constitute a claim to their esteem,—if disinterestedness and self-denial be any evidence of virtue

in public men,—then, indeed, without seeking, will he have found popularity,—not of that mushroom kind which is acquired without merit, and lost without a fault, but that more noble kind which is always bestowed by all good men, as the just reward of virtuous actions, and is always withholden from those who, without deserving it, endeavor to acquire it."

On the assembling of congress in December, 1830, General Jackson presented his second message to the representatives of the nation. It was a production which admirably sustained the high reputation of its immediate predecessor, before presented to the reader. It elicited general commendation from political supporters and opponents. In the language of another, "it abounds with important suggestions—some of them new—all of them interesting—and most of them admirably adapted to the interests and institutions of our country. It presents a most pleasing and brilliant sketch of our foreign relations. Its views of the Indian question, are, like those of the former message, just and powerful in their conception; beautiful and eloquent in their expression. He has explained and expanded the principles of the veto message—his views of the tariff are similar to those he has previously expressed—asserting the constitutionality of the measure, and recommending its review, modification, and the most practicable equalization of its burthens. He objects to the present bank of the United States, and explains the principles of the institution, to which he alluded in his former message. There are just and eloquent eulogiums interspersed through the message, both upon the rights of the states, and the value of the union."

It was before the close of this congressional session, that the controversy between General Jackson and Mr. Calhoun, vice president of the United States, took place, which brought out on the part of the latter, a voluminous corres

pondence between the parties, interested in the subject matter of dispute.

"It was a matter of general wonder, that a man possessing Mr. Calhoun's tact and prudence, should have brought a subject of the nature of this correspondence before the public. The only point in the discussion, except such as Mr. Calhoun had himself created, was altogether personal. By his private letters, and by those of Mr. Monroe, by his whole public conduct, and by publications in the newspapers, General Jackson had been led to believe, that Mr. Calhoun had been uniformly his friend, in the cabinet of Mr. Monroe as well as out of it, vindicating all his conduct in the Seminole campaign. Under this impression, he had given Mr. Calhoun his warmest friendship and firmest confidence; compelled, at length, by facts and circumstances, to doubt the sincerity of his supposed ancient friend, he determined to know the truth; with this view, he obtained, in an authentic shape, the charges which had been made of Mr. Calhoun's course in the cabinet, so different from what he had supposed, submitted them directly to the person implicated, and asked, whether they were true? Mr. Calhoun admitted their truth. General Jackson expressed his surprise at the admission, and said that Mr. Calhoun had pursued a course of duplicity towards him. The latter declared the charge of duplicity to be unfounded. With this issue the correspondence closed. What was there in this which required an appeal to the public? It was a mere private difference. It concerned only the bearing of the two gentlemen towards each other."

But the matter has been brought before the world, and is, therefore, entitled to notice, which will be given as briefly as the subject will admit.

"Sometime in the year 1826, General Jackson was furnished by a member of congress, with a statement

signed by Dr. Wallace of Fredericksburg, Virginia, in which Mr. Southard, the secretary of the navy, was represented as having remarked in that place, that General Jackson deserved no credit for the defence of New Orleans—that he had left the army without orders, and was returning home, when he was met by a positive order from Mr. Monroe, then secretary of war, to return forthwith to his command—that it was owing to his order, and the active preparations made by Mr. Monroe, for the security of that portion of the country, that General Jackson was able to make the defence he did; and therefore, that the merit of that defence was due to Mr. Monroe, and not to General Jackson. These remarks were so injurious to the character of the general, and unfounded in fact, that he felt himself bound to submit them to Mr. Southard, and if they had not been erroneously stated, to inquire respectfully on what authority he had taken the liberty to make them. The secretary replied in a very long, labored, and diplomatic letter, admitting substantially the statement of Dr. Wallace, and appealing to what he called the history of the times, *written, printed, and verbal*, as his authority for making it. The general having never left the army commanded by him at New Orleans, or slept out of his camp when he had one, gave Mr. Southard such an answer as he thought truth and justice warranted: it exposed him, however, to the bitterest assaults from his political opponents, and in connexion with the conduction of the Seminole war, became the text of denunciations against him, as having violated his orders and the constitution of his country in both campaigns. A confidential letter written to Mr. Monroe, had also a place in the subsequent array of authority, written, printed, and verbal, against him.

"Under these circumstances, the presses still violent against him, General Jackson was toasted at the celebra

tion of the 8th January, 1827, by the republicans in the city of Washington. His friend, Judge White of the senate, being present, rose, and with the expression of his thanks to the meeting, added a few remarks upon the character and services of the general as a response to the favorable notice which had been taken of them. These remarks gave offence to Mr. Monroe, as was manifested by the correspondence on the subject which he originated with Judge White; of which General Jackson was advised. The expression was also public and common soon after, that Mr. Monroe was in the composition of a book, the tendency of which would confirm the prejudices so industriously circulated against General Jackson at that time for political purposes."

"About this period, a member of congress enclosed to General Jackson a copy of a letter, purporting to be from Mr. Monroe to Mr. Calhoun (confidential,) the object, of which was to induce Mr. Calhoun to enter into a friendly correspondence with the general, and draw from him an acknowledgment that in his operations in Florida, he had transcended his orders. This letter declared at the same time, that the general maintained that he had not transcended his orders, and that there was nothing on record in the department to shew that he had. It also adverted to a confidential letter which he, Mr. Monroe, proposed to address General Jackson on the subject, and which Mr. Calhoun was authorized to forward if he approved it—this was received.

"The member of congress, who enclosed to General Jackson the copy of this letter from Mr. Monroe to Mr. Calhoun, at the same time informed him that he understood it was done with the consent of Mr. Calhoun; and that the original would be placed in his hands by the same person who had handed him the copy. General Jackson afterwards received the original from the hands

of a friend as he had always understood of Mr. Calhoun, as advised in the letter of the member of congress.

"General Jackson having always understood Mr. Calhoun to have been his supporter, throughout the proceedings of the Seminole war, and believing him a high minded and honorable man, naturally inferred that this disclosure of Mr. Monroe's feelings was made as an act of justice, and intended to guard him against the effects of the book, which Mr. Monroe was about writing. As there never had been an intimation from the president or himself until the campaign was ended, that the general had transcended his orders, it seemed to General Jackson perfectly consistent with the claims of friendship, and honor, that Mr. Calhoun in 1827, finding that new views had been taken of the Seminole war, and that the fair interpretation of his orders were about to be grossly evaded, felt himself at liberty to defeat the object of those who were thus employed, by exposing the letter which has been referred to."

"Some short time after the original letter just spoken of, was handed to the General in 1827, he received a letter from Mr. Calhoun, stating that he had been informed that a confidential letter from Mr. Monroe to him, had been placed in his hands, and desiring to know if such were the fact, through what channel it had been received; well assured that no person near him could have given this information to Mr. Calhoun. General Jackson replied to him, that such a letter was in his possession—that first a copy, and afterwards an original, as has been stated, was placed in his hands, with the declaration that it was done with the consent of Mr. Calhoun; and, that if he would inquire of those who informed him that such a letter was in his hands, they could give him more information than he knew, of the channel in which it came. Mr. Calhoun requested a return of the

letter, denying that he had any knowledge of the manner by which it got out of his possession, and protesting that it would have been dishonorable in him to have violated the confidence, reposed by Mr. Monroe. The original letter was forthwith returned to him. The general knew not how the letter was obtained from Mr. Calhoun, unless the statement of the member of congress accounts for it, whose situation was not such as to make it probable that he could have had any other agency in the affair, than that of a mere receiver. This statement was besides strongly confirmed by the fact that the gentleman who handed the original was well known as the friend of Mr. Calhoun, and possessed too much character for justice and honor, to be suspected of resorting to improper means to obtain it, or even under any circumstances to use it, without having reasons to believe that Mr. Calhoun himself had authorized such use."

"It was the controversy with Mr. Southard, and the subsequent correspondence between Mr. Monroe and Judge White, connected with the intimations conta ned in the comments of the presses inimical to General Jackson, that his confidential letter to Mr. Monroe, in relation to the Seminole war, would be published, that suggested to the friends of General Jackson, the propriety of ascertaining what had occurred, on the latter subject, in Mr. Monroe's cabinet. This suggestion could not have been dictated by hostility to Mr. Calhoun, because none of General Jackson's confidential friends had ever entertained a doubt of the part he acted. The minds of all were firmly impressed with the belief that he had been the advocate and friend of the General throughout. But it was otherwise with Mr. Crawford, who was almost as generally believed to have taken the opposite course, notwithstanding Mr. Monroe's declaration, that no movement had been made in cabinet council to arrest or punish

General Jackson for a violation of orders. For the purpose of ascertaining therefore, the justice of the imputations or the charges made against Mr. Crawford on this subject, was the enquiry made of him, which being answered, was submitted to Mr. Calhoun, and produced the correspondence between him and General Jackson, and which was by the former made public."

"General Jackson had no wish to excite public feeling, or produce political effect through it, and did not, therefore, desire that publicity should be given to it. But he felt it due, both to Mr. Calhoun and Mr. Crawford, and also to himself, that an explanation should take place, and the difficulties arising from conflicting statements become thoroughly understood. General Jackson and Mr. Crawford had been alienated in friendship before the Seminole war. Mr. Crawford had predicated an article in an Indian treaty, and made grants to the Indians, upon the supposition that they had been despoiled of their property by the army commanded by General Jackson. No such injustice had been committed, and General Jackson resented the wrong done to himself and the army by a treaty implicating their character, without, as he thought, sufficient care being taken to obtain proof of the real state of the facts. When the Seminole question arose, General Jackson was the more readily induced to attribute the attacks made upon him to Mr. Crawford, because of his previous difference. Notwithstanding this, the wife of General Jackson had still maintained an intercourse of kindness with the family of Mr. Crawford, and after the election of 1825 in the house of representatives, for president, had taken place, and while Mr. Crawford was prostrated by disease, General Jackson was prevailed upon to pay a visit to him, as an earnest that he was willing to forget the dissensions which had produced enmity between them. There was, however, no explanations or

conversations with regard to the causes which had separated them. The meeting was in the presence of a number of friends, and marked, on the part of Mr. Crawford, by the deepest sensibility.

By a recent letter, received by General Jackson from Mr. Crawford, a state of facts was presented, going to show on the one hand, that the General had long condemned in his heart, an innocent man for the efforts made to destroy his character as a patriot, and tarnish his laurels as a soldier. On the other hand, one whom he supposed always to have been his friend, and his most zealous vindicator in this particular instance, stood charged with having been the man who impeached him in the cabinet for a violation of orders. If this were the true state of things, the General felt that he owed to his own and the feelings of Mr. Crawford, reparation for having wronged him in his opinions, and felt bound also to reject from his mind any conclusion as to the conduct of his long professed friend, Mr. Calhoun, until he had an opportunity for explanation. For these reasons the letter of Mr. Crawford was submitted to him by General Jackson. In his letter accompanying that submission, he says: "The submission you perceive is authorized by the writer. The statements and facts it presents being so different from what I had heretofore understood to be correct, requires that it should be brought to your consideration. They are different from your letter to Governor Bibb, of Alabama, of 13th May, 1818, where you state, 'General Jackson is vested with full power to conduct the war in the manner he may judge best,' and different too, from your letters to me at that time, which breathe throughout a spirit of approbation and friendship, and particularly the one in which you say, 'I have the honor to acknowledge the receipt of your letter of the 20th ultimo, to acquaint you with the entire approbation of the president of

all the measures you have adopted to terminate the rupture with the Indians.' My object in making this communication, is to announce to you the great surprise which I felt, and to learn of you whether it be possible that the information given is correct; whether it can be, under all the circumstances of which you and I are both informed, that any attempt seriously to affect me was moved and sustained by you in the cabinet council, when, as is known to you, I was but executing the wishes of the government, and clothed with the authority to 'conduct the war in the manner I might judge best.'"

The reply of Mr. Calhoun to General Jackson's letter was not the frank yea or nay which was all that was required. He commenced an answer of great length, by denying his responsibility to General Jackson for what passed in Mr. Monroe's cabinet. This was entirely uncalled for; the president, nor any one else, having claimed such responsibility on the part of Mr. Calhoun. He also stated that it was not his intention to offer any apologies or excuses for his conduct. General Jackson required no apologies or excuses. He only asked *what that conduct was?*

Mr. Calhoun then affected not to understand the president, but supposed he meant that they did not put the same construction upon his orders in the Seminole campaign, and that he had been guilty of some duplicity in that respect. The president's letter was a direct inquiry of Mr. Calhoun, whether his course had been hostile to him in Mr. Monroe's cabinet, as was represented. He did not ask how Mr. Calhoun understood his orders, or whether they understood them alike. He only desired to know, whether he had been *secretly* hostile, while *professedly* and *publicly* his friend. But Mr. Calhoun, instead of answering directly, led off into a long discussion about the orders and the manner in which they were

understood, points, which were not at all involved in the inquiry to which he was replying.

The disappointment of General Jackson in not receiving a direct reply to the inquiry made in his letter, is evinced in the following extract from his reply to the answer of Mr. Calhoun: "I regret to find that you have entirely mistaken my note of the 13th instant. There is no part of it which calls in question either your conduct or your motives in the case alluded to. Motives are to be inferred from actions, and judged of by our God. It had been intimated to me many years ago, that it was you and not Mr. Crawford, who had been secretly endeavoring to destroy my reputation. These insinuations I indignantly repelled, upon the ground that you, in all of your letters to me, professed to be my personal friend, and approved entirely of my conduct in the Seminole campaign. I had too exalted an opinion of your honor and frankness, to believe for one moment that you could be capable of such deception. Under the influence of these friendly feelings, (which I always entertained for you) when I was presented with a copy of Mr. Crawford's letter, with that frankness which ever has, and I hope ever will characterize my conduct, I considered it due to you and to the friendly relations which had always existed between us, to lay it forthwith before you, and ask if the statements contained in that letter could be true? I repeat, I had a right to believe that you were my sincere friend, and until now, never expected to have occasion to say of you in the language of Caesar, *Et tu Brute?* The evidence which brought me to this conclusion is abundantly contained in your letter now before me. In your and Mr. Crawford's dispute, I have no interest whatever; but it may become necessary for me hereafter when I shall have more leisure, and the documents at hand, to place the subject in its proper light, to notice the

historical facts and references in your communication, which will give a very different view of the subject. It is due to myself, however, to state that the knowledge of the executive documents and orders in my possession will show conclusively, that I had authority for all I did, and that your explanation of my powers as declared to Governor Bibb, shows your own understanding of them. Your letter to me of the 29th, handed to-day, and now before me, is the first intimation to me that you ever entertained any other opinion or view of them. Your conduct, words, actions, and letters, I have ever thought show this. Understanding you now, no further communication on this subject is necessary."

After much unnecessary verbosity and circumlocution, Mr. Calhoun at length admitted that Mr. Crawford's statement was substantially true! He said to the president, "*I was of the impression that you had exceeded your orders—I came to the meeting of the cabinet under the impression that the usual course ought to be pursued in this case, which I supported by presenting fully and freely all the arguments that occurred to me.*"

Here the charge, so far as General Jackson was concerned, was admitted to be true. No room for controversy was left, except in relation to Mr. Calhoun's conduct towards General Jackson. The general says to him, "in all your letters to me, you professed to be my *personal friend*, and approved *entirely* my conduct in relation to the Seminole campaign."

But this correspondence convinced the General of the aggravated nature of the deception that had been practised upon him, and in his last communication to Mr. Calhoun, after repeating, that he had always met the intimations of Mr. Calhoun's having made injurious movements before the cabinet, in secret council against him, with flat and positive denial—after stating that he had

rebutted every insinuation against Mr. Calhoun for having thus conducted, by bringing into view his uniform and full approval of the conduction of the Seminole campaign—after stating that the high character that Mr Calhoun had sustained for fair, open, and honorable conduct in all things, was entirely opposed to the secret, uncandid, and unmanly course ascribed to him, and that he had ever banished from his mind what he conceived to be unjust imputations upon that gentleman's honor, by ascribing duplicity to him, until he had learned the import of the written statement of Mr. Crawford, and had requested to see it with the object of laying it before Mr. Calhoun, supposing it would meet his prompt and positive negative, he concluded as follows: "But I regret that instead of a negative, which I had a right to expect, I had the poignant mortification to see in your letter an admission of its truth. Understanding the matter now, I feel no interest in this altercation, and leave you and Mr. Crawford, and all concerned, to settle the affair in your own way, and now close this correspondence for ever."

A defence of General Jackson's measures in the Seminole campaign, has before been given to the reader: nothing further on that subject will therefore be necessary. This correspondence resulted to the benefit of no one except General Jackson, he learned from it, that the man whom he had ever supposed to be his firm friend and defender from the assaults of his enemies, was his secret and inveterate foe; and on the other hand, the individual who he had been led to believe was his enemy, who in secret had endeavored to blight his reputation as a soldier and a patriot, was innocent of the imputations which reflected upon his ingenuousness and honor.

CHAPTER XIX.

Dissolution of the cabinet—Letter of resignation from the secretary of state—General Jackson's reply—Causes which led to the dissolution—Its effects—Reorganization of the cabinet—Meeting of the 22d congress—President's message—Remarks upon it—Rejection by the senate of Mr. Van Buren's nomination—Motives that led to it—Bill for re-chartering the United States' bank passes both houses of congress—Is presented to the president—He returns it with his veto—Veto message—Its effects—Is re-elected president—Disaffection in South Carolina—His PROCLAMATION *to the disunionists—Inaugural address—His honor and character—Anecdotes—Conclusion.*

AN interesting crisis was now approaching in the cabinet, which General Jackson had selected to aid him in the discharge of the arduous duties of government. This was its dissolution. The causes which led to this result, were clearly and concisely developed in the letter of Mr. Martin Van Buren, secretary of state, tendering his resignation to the president. The subsequent detail of Major Eaton entered more minutely into the particulars, and gave a clear, consistent, and satisfactory relation of the primary, and other causes, which produced the dissolution.

The following is the letter of Mr. Van Buren tendering his resignation of the department of state; in which the grounds for taking the step, are fully and distinctly stated.

"*Washington, April 11th*, 1831.

"Dear Sir—I feel it to be my duty to retire from the

office to which your confidence and partiality called me. The delicacy of this step, under the circumstances in which it is taken, will, I trust, be deemed an ample apology for stating more at large, than might otherwise have been necessary, the reasons by which I am influenced.

"From the moment of taking my seat in your cabinet, it has been my anxious wish and zealous endeavor to prevent a premature agitation of the question of your successor; and, at all events, to discountenance, and if possible repress the disposition, at an early day manifested, to connect my name with that disturbing topic. Of the sincerity and the constancy of this disposition, no one has had a better opportunity to judge than yourself. It has, however, been unavailing. Circumstances, not of my creation, and altogether beyond my control, have given to this subject a turn which cannot now be remedied, except by a self-disfranchisement which, even if dictated by my individual wishes, could hardly be reconcilable with propriety or self-respect.

"Concerning the injurious effects which the circumstance of a member of the cabinet's occupying the relation towards the country to which I have adverted, is calculated to have upon the conduct of public affairs, there cannot, I think, at this time, be room for two opinions. Diversities of ulterior preference among the friends of an administration are unavoidable; and even if the respective advocates of those thus placed in rivalship be patriotic enough to resist the temptation of creating obstacles to the advancement of him to whose elevation they are opposed, by embarrassing the branch of public service committed to his charge, they are, nevertheless, by their position, exposed to the suspicion of entertaining and encouraging such views: a suspicion which can seldom fail in the end, to aggravate into present alienation and hos-

tility the prospective differences which first gave rise to it. Thus, under the least unfavorable consequences, individual injustice is suffered, and the administration embarrassed and weakened. Whatever may have been the course of things under the peculiar circumstances of the earlier stage of the republic, my experience has fully satisfied me that, at this day, when the field of selection has become so extended, the circumstance referred to, by augmenting the motives and sources of opposition to the measures of the executive, must unavoidably prove the cause of injury to the public service, for a counterpoise to which we may in vain look to the peculiar qualifications of any individual; and even if I should in this be mistaken, still I cannot so far deceive myself as to believe for a moment that I am included in the exceptions.

"These obstructions to the successful prosecution of public affairs, when superadded to that opposition which is inseparable from our free institutions, and which every administration must expect, present a mass to which the operations of the government should at no time be voluntarily exposed:—the more especially should this be avoided at so eventful a period in the affairs of the world, when our country may particularly need the utmost harmony in her councils.

"Such being my impressions, the path of duty is plain: and I not only submit with cheerfulness to whatever personal sacrifices may be involved in the surrender of the station I occupy; but I make it my ambition to set an example which, should it in the progress of the government be deemed, notwithstanding the humility of its origin, worthy of respect and observance, cannot, I think, fail to prove essentially and permanently beneficial.

"Allow me, Sir, to present one more view of the subject:—You have consented to stand before your constituents for re-election. Of their decision, resting as it does

upon the unbought suffrages of a free, numerous, and widely extended people, it becomes no man to speak with certainty. Judging, however, from the past, and making a reasonable allowance for the fair exercise of the intelligence and public spirit of your fellow citizens, I cannot hesitate in adopting the belief, that the confidence, as well in your capacity for civil duties as in your civic virtues, already so spontaneously and strikingly displayed, will be manifested with increased energy, now, that all candid observers must admit their utmost expectations to have been more than realized.

"If this promise, so auspicious to the best interests of our common country, be fulfilled, the concluding term of your administration will, in the absence of any prominent cause of discord among its supporters, afford a most favorable opportunity for the full accomplishment of those important public objects, in the prosecution of which I have witnessed on your part such steady vigilance and untiring devotion. To the unfavorable influence which my continuance in your cabinet, under existing circumstances, may exercise upon this flattering prospect, I cannot, Sir, without a total disregard of the lights of experience, and without shutting my eyes to the obvious tendency of things for the future, be insensible. Having, moreover, from a deep conviction of its importance to the country, been among the most urgent of your advisers to yield yourself to the obvious wishes of the people, and knowing the sacrifice of personal feeling which was involved in your acquiescence, I cannot reconcile it to myself to be in any degree the cause of embarrassment to you during the period which, as it certainly will be of deep interest to your country, is moreover destined to bring to its close, your patriotic, toilsome and eventful public life.

"From these considerations, I feel it to be doubly my

duty to resign a post, the retention of which is so calculated to attract assaults upon your administration, to which there might otherwise be no inducement—assaults of which, whatever be their aim, the most important as well as most injurious effect is, upon those public interests, which deserve and should command the support of all good citizens. This duty, I should have discharged at an earlier period, but for considerations, partly of a public, partly of a personal nature, connected with circumstances which were calculated to expose its performance then to misconstruction and misrepresentation.

"Having explained the motives which govern me in thus severing, and with seeming abruptness, the official ties by which we have been associated, there remains but one duty for me to perform. It is to make my profound and sincere acknowledgments for that steady support and cheering confidence which, in the discharge of my public duties, I have, under all circumstances, received at your hands; as well as for the personal kindness at all times extended to me.

"Rest assured, Sir, that the success of your administration, and the happiness of your private life will ever constitute objects of the deepest solicitude with

Your sincere friend and obedient servant,

M. Van Buren.

The President."

To which letter, the President made the following reply:

"*Washington, April 12th*, 1831.

"Dear Sir,—Your letter resigning the office of secretary of state was received last evening. I could indeed wish that no circumstance had arisen to interrupt the relations which have, for two years, subsisted between us, and that they might have continued through the period during which it may be my lot to remain charged with

the duties which the partiality of my countrymen has imposed upon me. But the reasons you present are so strong that, with a proper regard for them, I cannot ask you, on my own account, to remain in the cabinet.

"I am aware of the difficulties you have had to contend with, and of the benefits which have resulted to the affairs of your country, from your continued zeal in the arduous tasks to which you have been subjected. To say that I deeply regret to lose you, is but feebly to express my feelings on the occasion.

"When called by my country to the station which I occupy, it was not without a deep sense of its arduous responsibilities, and a strong distrust of myself, that I obeyed the call; but, cheered by the consciousness that no other motive actuated me, than a desire to guard her interests, and to place her upon the firm ground of those great principles which, by the wisest and purest of our patriots, have been deemed essential to her prosperity I ventured upon the trust assigned me. I did this in the confident hope of finding the support of advisers, able and true; who, laying aside every thing but a desire to give new vigor to the vital principles of our union, would look with a single eye to the best means of effecting this paramount object. In you, this hope has been realized to the utmost. In the most difficult and trying moments of my administration, I have always found you sincere, able and efficient—anxious at all times to afford me every aid. If, however, from circumstances in your judgment sufficient to make it necessary, the official ties subsisting between us must be severed, I can only say that this necessity is deeply lamented by me. I part with you only be cause you yourself have requested me to do so, and have sustained that request by reasons strong enough to command my assent. I cannot, however, allow the separation to take place, without expressing the hope, that this

retirement from public affairs is but temporary; and that if, in any other station, the government should have occasion for services, the value of which has been so sensibly felt by me, your consent will not be wanting.

"Of the state of things to which you advert, I cannot but be fully aware. I look upon it with sorrow, and regret it the more, because one of its first effects is to disturb the harmony of my cabinet. It is, however, but an instance of one of the evils to which free governments must ever be liable. The only remedy for these evils, as they arise, lies in the intelligence and public spirit of our common constituents. They will correct them—and in this there is abundant consolation. I cannot quit this subject without adding, that with the best opportunities for observing and judging, I have seen in you no other desire than to move quietly on in the path of your duties, and to promote the harmonious conduct of public affairs. If on this point you have had to encounter detraction, it is but another proof of the utter insufficiency of innocence and worth to shield from such assaults.

"Be assured that the interest you express in my happiness is most heartily reciprocated—that my most cordial feelings accompany you, and that I am, very sincerely, your friend, ANDREW JACKSON.

Martin Van Buren,

Secretary of State."

The resignation of Messrs. Eaton, Branch, Ingham, and Berrien, immediately followed that of Mr. Van Buren. The reasons which induced those gentlemen to resign their stations, were variously stated by each; those however, given by the secretary of war, in connexion with those given by the secretary of state, seem to be entitled to the greatest weight, as faithful and correct expositions of the true nature of the facts and circumstances connected with the dissolution of the cabinet.

From the expose of Major Eaton, it appeared that his own situation in the war department was never sought for by him, but was bestowed upon him by the president, who felt anxious when entering upon the arduous duties to which he had been called, to have near him some one of his long tried personal friends, in whom he could confide with safety.

Mr. Van Buren was appointed, because the president had confidence in his talents and integrity, and because he appeared to be the expectation of the country. Mr Ingham was selected for the reason that the president was induced to believe that the democracy of Pennsylvania desired it. Mr. Barry, from a confidence reposed in him by the president, derived from a personal knowledge of his worth and merits. Mr. Branch and Mr. Berrien were selected as men whose talents and capabilities would insure a faithful discharge of the duties appertaining to the respective stations to which they were called. At the time the cabinet was organized, all its members apparently harmonized, and were seemingly anxious to lend every assistance in their power for facilitating the administration of government. But subsequent events proved conclusively, that such was not the relation in which the respective members of the cabinet stood to each other; nor were they all solicitous that President Jackson's administration should be such a one, as would promote the complicated and vital interests of this vast republic.

It appeared from the statements of Messrs. Berrien and Ingham, after making their resignations, that they came into the cabinet with hostile feelings towards Major Eaton; this hostility increased; covert attacks were made upon him, and the sanctuary of his domestic circle was rudely invaded.

Time passed and slowly developed the aims of the re-

spective members of the cabinet. Subsequent events have rendered it clearly manifest, that the vice president, Mr. Calhoun, was well aware that the expiration of his present term of office would complete the length of time, which, by a custom equivalent to a positive law, would prevent him from becoming a successful candidate for the office he now filled. He was ambitious and fond of power, and could ill brook the reflection that he was so soon to take his leave of the station he occupied, with no very flattering assurances that he should at a subsequent period be able to attain to one more exalted. He therefore resolved by one desperate stroke to attain the object of his ambitious views, by procuring his own elevation to the next presidency, or sink beyond the hope of recovery.

With this object in view, the first preliminary and important step to be taken, was to prevent if possible the renomination of General Jackson to the presidency. To supply himself with the necessary aid for producing this important result, he attached Messrs. Ingham, Branch, and Berrien, of the cabinet, and Mr. Duff Green, editor of the Washington Telegraph, to his fortunes. When the subject, therefore, of a candidate for the next presidency, was agitated by the friends of General Jackson, the editor of the Telegraph manifested his hostility to that gentleman, and his devotion to Mr. Calhoun. The same disposition was evinced in the cabinet by Messrs. Ingham, Branch, and Berrien, added to their hatred of Mr. Eaton. The correspondence between General Jackson and Mr. Calhoun, removed from the latter the mask of pretended friendship and regard, behind which he had so long hidden his enmity and inimical designs—the explosion of the cabinet soon followed—it resolved itself back to its original elements, but its firm and patriotic head stood "unhurt amid the wreck of matter," and nobly triumphed over the machinations of his enemies.

The dissolution of the cabinet was productive of no prejudice to General Jackson; it did not injure or embarrass the operations of government; an angry fermentation only, was for a time produced amongst a portion of its dissolving elements; when every thing connected with the peace and harmony of the administration assumed its accustomed aspect, and its vigorous and politic measures were prosecuted with the same zeal and fidelity that characterized the operations of its energetic head, previous to the dissolution.

General Jackson re-organized his cabinet by appointing Edward Livingston, of Louisiana, secretary of state; Levi Woodbury, of New Hampshire, secretary of the navy; Louis M'Lane, of Delaware, secretary of the treasury; and Louis Cass, of Ohio, secretary of war. Roger B. Taney, of Maryland, was appointed to the office of attorney general. A more judicious and popular cabinet could not have been formed. Each individual member was well known to the whole Union for eminent talents, sterling patriotism, business habits, and liberal devotion to the public good in every section of the United States. With it, General Jackson proceeded in the administration of the general government with renewed energy.

The 22d congress of the United States convened in December, 1831, when General Jackson presented to the representatives of the nation his annual message. It was an interesting and valuable document: an able writer thus remarks upon it:

"The condition of our country, as presented by this document, is a source of high and heartfelt gratification. We point to it with equal pride and pleasure. It challenges the admiration of every American citizen, and of free minds every where, who look to the

progress of our government as the great experiment of the people.

"The long pending negotiations with England are terminated in the recovery of a trade of the highest advantage to our merchants and agriculturists, and our present minister is charged with the adjustment of every question of possible collision and difficulty. The claims of our citizens upon France have been acknowledged, and indemnity obtained. Our claims against Denmark and Sweden have been adjusted by satisfactory compensation on their part, and advantageous treaties of commerce renewed; the negotiations for the adjustment of our claims against Naples, have been opened under flattering auspices; commercial treaties with Austria, the Hanseatic towns, and Prussia, have opened new and invaluable sources of trade to the enterprise of our countrymen, with the extended countries of the north and south of Germany; a treaty favorable in the highest degree, has been established with the Porte, and our ships, seamen, and products, find their way to seas and countries, from which they have been hitherto excluded; our relations with Russia are placed, in all respects, upon a footing with the most favored nations; precise instructions have been given to bring our unsettled differences with Spain and with the two Sicilies to a speedy issue, and in relation to the former, if at last it shall be of an unfriendly nature, the president will ask the determination of congress in a case 'where negotiation for redress of injury fails.' Our commerce with China and the East Indies is continued with increased facilities; whilst a frigate has been dispatched to demand redress for an outrage committed in those distant seas, on an American merchantman, at Sumatra, a valuable trade has been opened with the interior provinces of Mexico, and the ratification of an advantageous commercial treaty urged with vigor; our treaty with the

republic of Central America has been faithfully observed, and promises an extended and beneficial commerce between the two countries; our negotiations with Colombia have been attended with success, in a considerable reduction of duty on flour, and a stipulation of indemnity for injuries received by our merchants for illegal seizures. Efficient measures have been taken for the protection of our commerce and fisheries in the Pacific Ocean, in reference to the civil commotions in Chili and Peru; redress of injuries, and indemnity for losses, have been promptly demanded of the government of Brazil; and an armed vessel has been dispatched to the Falkland Islands, and a public functionary to the government of Buenos Ayres will soon follow, to inquire into the nature of the recent depredations upon our commerce, and to protect it from aggression for the future; indeed, at every foreign court, in all countries, and in every sea, have the public interests been carefully guarded, the rights and interests of our citizens protected, the national honor maintained, and the national faith preserved.

"Such are the results of the 'diplomacy' of General Jackson's administration. Such are its practical effects, through the entire circle of our foreign relations. Never did the nation stand upon a higher and more commanding eminence. We owe it, not to the subterfuges and evasions of a mere diplomatic and artificial intercourse, but to a frank, honest, and upright policy, fearlessly adopted and steadily pursued; and to a rigid adherence to the golden rule with which the present chief magistrate commenced his administration, 'to ask nothing that was not clearly right, and to submit to nothing that was wrong.'

"The condition of the internal affairs of the country is equally a subject of felicitation. The Indian question is settled—an extended trade and increasing revenue—re-

forms in the public offices and in the different departments of the government—an annual income of nearly twenty-eight millions, and an expenditure of fifteen millions—the payment of upwards of forty millions of the public debt in less than three years—a farther modification of the tariff and a diminution of its burdens—a more rapid and extended transportation of the mails—and the entire extinguishment of the national debt within one year, are among the fruits of the policy of this administration."

This session of congress was remarkable for the turbulence of party spirit evinced by many members, in their action upon various subjects presented for their deliberations. While some questions of deep interest, and vital importance to the nation, were adjusted in a manner that is believed will produce the happiest results; there were others, the decision of which was produced by motives which should never influence the representative acts of high-minded and honorable men.

A prominent act of the latter description was the rejection by the senate, of the nomination of Martin Van Buren, by the president, as minister to England. This gentleman was selected by General Jackson for his acknowledged worth, talents, and public services; and yet the senate rejected the nomination by the casting vote of its presiding officer. The act itself, was a constitutional one, and as such was not obnoxious to censure; but all delegated powers are in some degree discretionary, and for motives alone, which prompt the exertion of constitutional privileges, are public servants amenable. When the present period of high political excitement is past, and men can look at this act with unbiassed and unprejudiced minds, in searching for the motives which produced the rejection of the president's nomination of Mr. Van Buren, none, it is confidently believed, will be found, that were

not based upon personal or political hostility. As no other reasons were given for rejecting this nomination, that were entitled to any degree of weight, we deemed it important to say thus much in defence of the nomination.

But to pass over minor subjects, we come directly to the question which was agitated in both houses of congress on the passage of a bill to renew the charter of the present bank of the United States. After much discussion this bill passed the house and senate, and was submitted to the president for his sanction or disapproval. His sentiments on the subject of a renewal of the charter of the United States bank, with all its powers and privileges retained, were well known; he had early, earnestly, and fearlessly expressed his convictions, that this institution was unconstitutional in its origin, and clothed with powers, which no corporation under a republican government ought to possess—powers that might be exerted in the overthrow of our free institutions, and the destruction of our liberties. When entering upon the duties appertaining to the presidency of the nation, some of his friends suggested to him the policy of not embarrassing his administration by an early expression of his views upon this question, which did not call for immediate legislative action;—"No," exclaimed the single-hearted patriot; "my sentiments upon this subject must be expressed; I could not quietly rest in my grave, were I to die without having performed this duty which I owe to my country." And nobly indeed has that duty been discharged;—he weighed the subject with much deliberation, and gave to it that patient and careful investigation which its importance demanded; and then, with an eye that looked only to the glory and safety of his country, and its invaluable institutions; regardless alike of his own personal responsibility or individual aggrandizement, he returned the bill with a mes-

sage, detailing his reasons at length for withholding his sanction to its becoming a law. They were powerful, convincing, and unanswerable. No synopsis which we could make, would do justice to this admirable production; we therefore give it entire:

Message from the President of the United States,

Returning the Bank Bill, with his objections, &c.

To the Senate:—

The bill to "modify and continue" the act, entitled, "an act to incorporate the subscribers of the Bank of the United States," was presented to me on the 4th of July instant. Having considered it with that solemn regard to the principles of the constitution which the day was calculated to inspire, and come to the conclusion that it ought not to become a law, I herewith return it to the Senate, in which it originated, with my objections.

A Bank of the United States is, in many respects, convenient for the government and useful to the people. Entertaining this opinion, and deeply impressed with the belief that some of the powers and privileges possessed by the existing Bank are unauthorized by the constitution, subversive of the rights of the states, and dangerous to the liberties of the people, I felt it my duty, at an early period of my administration, to call the attention of Congress to the practicability of organizing an institution combining all its advantages, and obviating these objections. I sincerely regret that, in the act before me, I can perceive none of those modifications of the Bank charter which are necessary, in my opinion, to make it compatible with justice, with sound policy, or with the Constitution of our country.

The present corporate body, denominated the President, Directors, and Company of the Bank of the United States, will have existed, at the time this act is intended to take effect, twenty years. It enjoys an exclusive privilege of banking under the authority of the General Government, a monopoly of its favor and support, and, as a necessary consequence, almost a monopoly of the foreign and domestic exchange. The powers, privileges, and favors bestowed upon it, in the original charter, by increasing the value of the stock far above its par value, operated as a gratuity of many millions to the stockholders.

An apology may be found for the failure to guard against this result, in consideration that the effect of the original act of incorporation could not be certainly foreseen at the time of its passage. The act before me proposes another gratuity to the holders of the same stock, and, in many cases, to the same men, of at least seven millions more. This donation finds no apology in any uncertainty as to the effect of the act. On all hands it is conceded that its passage will increase at least twenty or thirty per cent. more, the market price of the stock, subject to the payment of the annuity of $200,000 per year, secured by the act; thus adding, in a moment, one fourth to its par value. It is not our own citizens only who are to receive the bounty of our government. More than eight millions of the stock of this Bank are held by foreigners. By this act the American republic proposes virtually to make them a present of some millions of dollars. For these gratuities to foreigners, and to some of our own opulent citizens, the act secures no equivalent whatever. They are the certain gains of the present stockholders under the operation of this act, after making full allowance for the payment of the bonus.

Every monopoly, and all exclusive privileges, are granted at the expense of the public, which ought to re-

ceive a fair equivalent. The many millions which this act proposes to bestow on the stockholders of the existing Bank, must come, directly or indirectly, out of the earnings of the American people. It is due to them, therefore, if their government sell monopolies and exclusive privileges, that they should at least exact for them as much as they are worth in open market. The value of the monopoly in this case may be correctly ascertained. The twenty-eight millions of stock would probably be at an advance of fifty per cent., and command in market at least forty-two millions of dollars, subject to the payment of the present bonus. The present value of the monopoly, therefore, is seventeen millions of dollars, and this the act proposes to sell for three millions, payable in fifteen annual instalments of $200,000 each.

It is not conceivable how the present stockholders can have any claim to the special favor of the government. The present corporation has enjoyed its monopoly during the period stipulated in the original contract. If we must have such a corporation, why should not the government sell out the whole stock, and thus secure to the people the full market value of the privileges granted? Why should not Congress create and sell twenty-eight millions of stock, incorporating the purchasers with all the powers and privileges secured in this act, and putting the premium upon the sales into the Treasury?

But this act does not permit competition in the purchase of this monopoly. It seems to be predicated on the erroneous idea, that the present stockholders have a prescriptive right, not only to the favor but to the bounty of government. It appears that more than a fourth part of the stock is held by foreigners, and the residue is held by a few hundred of our own citizens, chiefly of the richest class: for their benefit does this act exclude the whole American people from competition in the purchase of this

monopoly, and dispose of it for many millions less than it is worth. This seems the less excusable, because some of our citizens, not now stockholders, petitioned that the door of competition might be opened, and offer to take a charter on terms much more favorable to the government and country.

But this proposition, although made by men whose aggregate wealth is believed to be equal to all the private stock in the existing Bank, has been set aside, and the bounty of our government is proposed to be again bestowed on the few who have been fortunate enough to secure the stock, and, at this moment, wield the power of the existing institution. I cannot perceive the justice or policy of this course. If our government must sell monopolies, it would seem to be its duty to take nothing less than their full value; and if gratuities must be made once in fifteen or twenty years, let them not be bestowed on the subjects of a foreign government, nor upon a designated and favored class of men in our own country. It is but justice and good policy, as far as the nature of the case will admit, to confine our favors to our own fellow citizens, and let each in his turn enjoy an opportunity to profit by our bounty. In the bearings of the act before me upon these points, I find ample reasons why it should not become a law.

It has been urged as an argument in favor of re-chartering the present Bank, that the calling in its loans will produce great embarrassment and distress. The time allowed to close its concerns, is ample, and if it has been well managed, its pressure will be light, and heavy only in case its management has been bad. If, therefore, it shall produce distress, the fault will be its own, and it would furnish a reason against renewing a power which has been so obviously abused. But, will there ever be a time when this reason will be less powerful? To acknowledge its force, is to admit that the Bank ought to be

perpetual, and as a consequence, the present stockholders, and those inheriting their rights, as successors, be established a privileged order, clothed both with great political power and enjoying immense pecuniary advantages from their connexion with the government.

The modifications of the existing charter, proposed by this act, are not such, in my view, as make it consistent with the rights of the States or the liberties of the people. The qualification of the right of the Bank to hold real estate, the limitation of its power to establish branches, and the power reserved to Congress to forbid the circulation of small notes, are restrictions comparatively of little value or importance. All the objectionable principles of the existing corporation, and most of its odious features, are retained without alleviation.

The fourth section provides, "that the notes or bills of the said corporation, although the same be on the faces thereof, respectively, made payable at one place only, shall, nevertheless, be received by the said corporation at the Bank, or at any of the offices of discount and deposit thereof, if tendered in liquidation or payment of any balance or balances, due to said corporation, or to such office of discount and deposit, from any other incorporated Bank." This provision secures to the State Bank a legal privilege in the Bank of the United States, which is withheld from all private citizens. If a State Bank in Philadelphia, owe the Bank of the United States, and have notes issued by the St. Louis Branch, it can pay the debt with those notes; but if a merchant, mechanic, or other private citizen, be in like circumstances, he cannot by law pay his debt with those notes, but must sell them at a discount, or send them to St. Louis to be cashed. This boon, conceded to the State Banks, though not unjust in itself, is most odious, because it does not measure out equal justice to the high and low, the rich and the poor. To

the extent of its practical effect, it is a bond of union among the banking establishments of the nation, erecting them into an interest, separate from that of the people, and its necessary tendency is to unite the Bank of the United States and the State Banks in any measure which may be thought conducive to their common interest.

The ninth section of the act recognizes principles of worse tendency than any provision of the present charter. It enacts that "the cashier of the Bank shall annually report to the Secretary of the Treasury the names of all stockholders who are not resident citizens of the United States, and on the application of the Treasurer of any state, shall make out and transmit to such Treasurer, a list of stockholders residing in, or citizens of such state, with the amount of stock owned by each." Although this provision, taken in connexion with a decision of the Supreme Court, surrenders, by its silence, the right of the states to tax the banking institutions created by this corporation, under the name of branches throughout the union,—it is evidently intended to be construed as a concession of their right to tax that portion of the stock which may be held by their own citizens and residents. In this light, if the act becomes a law, it will be understood by the states, who will probably proceed to levy a tax equal to that paid upon the stock of banks incorporated by themselves. In some states that tax is now one per cent., either on the capital or on the shares, and that may be assumed as the amount which all citizens or resident stockholders will be taxed under the operation of this act. As it is only the stock *held* in the states, and not that *employed* within them, which would be subject to taxation; and as the names of foreign stockholders are not to be reported to the Treasurers of the states, it is obvious that the stock held by them will be exempt from this burden Their annual profits will, therefore, be one per cent

more than the citizen stockholders, and as the annual dividends of the Bank may be safely estimated at seven per cent., the stock will be worth ten or fifteen per cent. more to foreigners than to citizens of the United States. To appreciate the effects which this state of things will produce, we must take a brief review of the operations and present condition of the Bank of the United States.

By documents submitted to Congress at the present session, it appears that on the 1st of January, 1832, of the 28 millions of private stock in the corporation, $8,405,500 were held by foreigners, mostly of Great Britain. The amount of stock held in the nine western and southwestern states, is $140,200; and in the four southern states, is $5,623,100; and in the middle and eastern states, is about $13,522,000. The profits of the Bank in 1831, as shown in a statement to Congress, were about $3,455,598, of this there accrued in the nine western states, about $1,640,048; in the four southern states, about $352,507; and in the middle and eastern states, about 1,463,041. As little stock is held in the west, it is obvious that the debt of the people in that section, to the Bank, is principally a debt to the eastern and foreign stockholders; that the interest they pay upon it is carried into the eastern states and into Europe; and that it is a burden upon their industry and a drain of their currency which no country can bear without inconvenience and occasional distress. To meet this burden, and equalize the exchange operations of the Bank, the amount of specie drawn from those states through its branches within the last two years, as shown by its official reports, was about $6,000,000. More than half a million of this amount does not stop in the eastern states, but passes on to Europe to pay the dividends of the foreign stockholders. In the principle of taxation recognized by this act, the western states find no adequate compensation for this perpetual burden on their industry,

and drain of their currency. The Branch Bank at Mobile made, last year, $95,140; yet, under the provisions of this act, the state of Alabama can raise no revenue from these profitable operations, because not a share of the stock is held by any of her citizens. Mississippi and Missouri are in the same condition in relation to the branches at Natchez and St. Louis; and such, in a greater or less degree, is the condition of every western state.

The tendency of the plan of taxation which this act proposes, will be to place the whole U. States in the same relation to foreign countries, which the western states now bear to the eastern. When by a tax on resident stockholders, the stock of this bank is made worth ten or fifteen per cent. more to foreigners than to residents, most of it will inevitably leave the country.

Thus will this provision, in its practical effect, deprive the eastern, as well as the southern and western states, of the means of raising a revenue from the extension of business, and great profits of this institution. It will make the American people debtors to aliens in nearly the whole amount due to this Bank, and send across the Atlantic from two to five millions of specie every year to pay the Bank dividends.

In another of its bearings this provision is fraught with danger. Of the twenty-five directors of this Bank, five are chosen by the government, and twenty by the citizen stockholders. From all voice in these elections, the foreign stockholders are excluded by the charter. In proportion, therefore, as the stock is transferred to foreign holders, the extent of suffrage in the choice of directors is curtailed. Already is almost a third of the stock in foreign hands, and not represented in elections. It is constantly passing out of the country, and this act will accelerate its departure. The entire control of the institution would necessarily fall into the hands of the few citizen stockholders,

and the ease with which the object would be accomplished, would be a temptation to designing men to secure that control in their own hands by monopolizing the remaining stock. There is danger that a President and Directors would then be able to elect themselves from year to year, and without responsibility or control, manage the whole concerns of the Bank during the existence of its charter. It is easy to conceive that great evils to our country and its institutions might flow from such a concentration of power in the hands of a few men irresponsible to the people.

Is there no danger to our liberty and independence in a Bank, that in its nature has so little to bind it to our country? The President of the Bank has told us, that most of the state banks exist by its forbearance. Should its influence become concentrated, as it may under the operation of such an act as this, in the hands of a self-elected Directory, whose interests are identified with those of the foreign stockholder, will there not be cause to tremble for the purity of our elections in peace, and for our independence in war? Their power would be great whenever they might choose to exert it; but if this monopoly were regularly renewed every fifteen or twenty years, on terms proposed by themselves, they might seldom, in peace, put forth their strength to influence elections or control the affairs of the nation. But, if any private citizen, or public functionary, should interpose to curtail its powers or prevent a renewal of its privileges, it cannot be doubted that he would be made to feel its influence.

Should the stock of the Bank principally pass into the hands of the subjects of a foreign country, and we should unfortunately become involved in a war with that country, what would be our condition? Of the course which would be pursued by a Bank almost wholly owned by the subjects of a foreign power, and managed by those whose interests, if not affections, would run in the same direction,

there can be no doubt. All its operations within, would be in aid of the hostile fleets and armies without; controling our currency; receiving our public moneys, and holding thousands of our citizens in dependance, it would be more formidable and dangerous than the naval and military power of the enemy.

If we must have a Bank with private stockholders, every consideration of sound policy, and every impulse of American feeling, admonish that it should be *purely American.* Its stockholders should be composed exclusively of our own citizens, who, at least, ought to be friendly to our government, and willing to support it in times of difficulty and danger. So abundant is domestic capital, that competition, in subscribing for the stock of local banks has recently led almost to riots. To a Bank, exclusively of American stockholders, possessing the powers and privileges granted by this act, subscriptions for two hundred millions of dollars could be readily obtained. Instead of sending abroad the stock of the Bank, in which the government must deposit its funds, and on which it must rely to sustain its credit in times of emergency, it would rather seem to be expedient to prohibit its sales to aliens under penalty of absolute forfeiture.

It is maintained by the advocates of the Bank that its constitutionality in all its features ought to be considered as settled by precedent, and by the decision of the Supreme Court. To this conclusion, I cannot assent. Mere precedent is a dangerous source of authority, and should not be regarded as deciding questions of constitutional power, except where the acquiescence of the people and the States can be considered as well settled. So far from this being the case on this subject, an argument against the Bank might be based on precedent. One Congress in 1791 decided in favor of a Bank; another in 1811 decided against it. One Congress in 1815, decided against a Bank; ano-

ther in 1816 decided in its favor. Prior to the present Congress, therefore, the precedents drawn from that source were equal. If we resort to the States, the expressions of Legislative, Judicial, and Executive opinions against the Bank, have been probably to those in its favor, as four to one. There is nothing in precedent, therefore, which, if its authority were admitted, ought to weigh in favor of the act before me.

If the opinion of the Supreme Court covered the whole ground of this act, it ought not to control the co-ordinate authorities of this government. The Congress, the Executive, and the Court, must each for itself be guided by its own opinion of the constitution. Each public officer, who takes an oath to support the constitution, swears that he will support it as he understands it, and not as it is understood by others. It is as much the duty of the house of representatives, of the senate, and of the President, to decide upon the constitutionality of any bill or resolution which may be presented to them for passage or approval, as it is of the supreme judges, when it may be brought before them for judicial decision. The opinion of the judges has no more authority over Congress than the opinion of Congress has over the judges, and on that point the President is independent of both. The authority of the Supreme Court must not, therefore, be permitted to control the Congress or the Executive, when acting in their legislative capacities, but to have only such influence as the force of their reasoning may deserve.

But in the case relied upon, the Supreme Court have not decided that all the features of this corporation are compatible with the constitution. It is true that the Court have said that the law incorporating the Bank is a constitutional exercise of power by Congress. But, taking into view the whole opinion of the Court, and the reasoning by which they have come to that conclusion, I understand

them to have decided that, inasmuch as a bank is an appropriate means for carrying into effect the enumerated powers of the general government, therefore, the law incorporating it is in accordance with that provision of the constitution which declares that Congress shall "have power to make all laws which shall be necessary and proper for carrying those powers into execution." Having satisfied themselves that the word "*necessary*," in the constitution, means "*needful*," "*requisite*," "*essential*," "*conducive to*," and that "a bank" is a convenient, a useful and essential instrument in the prosecution of the government's "fiscal operations," they conclude, that to "use one must be within the discretion of Congress," and that "the act to incorporate the Bank of the U. States is a law made in pursuance of the constitution:" "but," say they, "*where the law is not prohibited, and is really calculated to effect any of the objects entrusted to the government, to undertake here to inquire into the degree of its necessity, would be to pass the line which circumscribes the judicial department, and to tread on legislative ground.*"

The principle here affirmed is, that "the degree of its necessity," involving all the details of a banking institution, is a question exclusively for legislative consideration. A bank is constitutional; but it is the province of the legislature to determine whether this or that particular power, privilege or exemption is "necessary and proper" to enable the Bank to discharge its duties to the government, and from their decision there is no appeal to the courts of justice. Under the decision of the Supreme Court, therefore, it is the exclusive province of Congress and the President to decide, whether the particular features of this act are "necessary and proper," in order to enable the Bank to perform conveniently and efficiently the public duties assigned to it as a fiscal agent, and therefore consti-

tutional, or *unnecessary and improper*, and therefore unconstitutional.

Without commenting on the general principle affirmed by the Supreme Court, let us examine the details of this act in accordance with the rule of legislative action which they have laid down. It will be found that many of the powers and privileges conferred on it, cannot be supposed necessary for the purpose for which it is proposed to be created, and are not therefore means necessary to attain the end in view, and consequently not justified by the constitution.

The original act of incorporation, section 21, enacts "that no other Bank shall be established by any future law of the United States during the continuance of the corporation hereby created, for which the faith of the United States is hereby pledged, *Provided*, Congress may renew existing charters for Banks within the District of Columbia, not increasing the capital thereof, and may also establish any other Bank or Banks in said district, with capitals not exceeding in the whole six millions of dollars, if they shall deem it expedient." This provision is continued in force, by the act before me, fifteen years from the 3d of March, 1836.

If Congress possessed the power to establish one Bank, they had power to establish more than one, if, in their opinion, two or more bank, had been "necessary" to facilitate the execution of the powers delegated to them in the constitution. If they possessed the power to establish a second bank, it was a power derived from the constitution, to be exercised from time to time, and at any time when the interests of the country or the emergencies of the government might make it expedient. It was possessed by one Congress as well as another, and by all Congresses alike, and alike at every session. But the Congress of 1816 has taken it away from their successors for twenty years, and the Congress of 1832 proposes to abolish it for fifteen years more. It cannot be "*necessary*" or "*proper*"

for Congress to barter away or divest themselves of any of the powers, vested in them by the constitution, to be exercised for the public good. It is not "*necessary*" to the efficiency of the Bank, nor is it "*proper*" in relation to themselves and their successors. They may *properly* use the discretion vested in them; but they may not limit the discretion of their successors. This restriction on themselves and grant of a monopoly to the Bank, is, therefore, unconstitutional.

In another point of view, this provision is a palpable attempt to amend the constitution by an act of legislation. The constitution declares that the "Congress shall have power to exercise exclusive legislation in all cases whatsoever," over the District of Columbia. Its constitutional power, therefore, to establish Banks in the District of Columbia, and increase their capital at will, is unlimited and uncontrollable by any other power than that which gave authority to the constitution. Yet this act declares that Congress shall *not* increase the capital of existing Banks, nor create other Banks with capitals exceeding in the whole six millions of dollars. The Constitution declares, that Congress *shall* have power to exercise exclusive legislation over this District, "*in all cases whatsoever;*" and this act declares they *shall not.* Which is the supreme law of the land? This provision cannot be "*necessary*," or "*proper*," or *constitutional*, unless the absurdity be admitted, that whenever it be "necessary and proper," in the opinion of Congress, they have a right to barter away one portion of the powers vested in them by the Constitution as a means of executing the rest.

On two subjects only does the Constitution recognise in Congress the power to grant exclusive privileges or monopolies. It declares that "Congress shall have power to promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the ex-

clusive right to their respective writings and discoveries." Out of this express delegation of power, have grown our laws of patents and copyrights. As the Constitution expressly delegates to Congress the power to grant exclusive privileges in these cases as the means of executing the substantive power "to promote the progress of science and useful arts," it is consistent with the fair rules of construction to conclude that such a power was not intended to be granted as a means of accomplishing any other end. On every other subject which comes within the scope of Congressional power, there is an ever living discretion in the use of proper means which cannot be restricted or abolished without an amendment of the Constitution. Every act of Congress, therefore, which attempts by grants of monopolies, or sale of exclusive privileges for a limited time, or a time without limit, to restrict or extinguish its own discretion in the choice of means to execute its delegated powers, is equivalent to a legislative amendment of the constitution, and palpably unconstitutional.

This act authorises and encourages transfers of its stock to foreigners, and grants them an exemption from all state and national taxation. So far from being "*necessary and proper*" that the bank should possess this power, to make it a safe and efficient agent of the Government in its fiscal operations, it is calculated to convert the Bank of the United States into a foreign bank, to impoverish our people in time of peace, to disseminate a foreign influence through every section of the republic—and in war, to endanger our independence.

The several States reserved the power at the formation of the constitution, to regulate and control titles and transfers of real property, and most, if not all of them, have laws disqualifying aliens from acquiring or holding lands within their limits. But this act, in disregard of the undoubted right of the States to prescribe such disqualifica-

tions, gives to aliens, stockholders in this Bank, an interest and title, as members of the corporation, to all the real property it may acquire within any of the States of this Union. This privilege granted to aliens is not "*necessary*," to enable the Bank to perform its public duties, nor in any sense "*proper*," because it is vitally subversive of the rights of the States.

The government of the United States have no constitutional power to purchase lands within the States, except "for the erection of forts, magazines, arsenals, dock yards, and other needful buildings," and even for these objects only "by the consent of the legislature of the state in which the same shall be." By making themselves stockholders in the Bank, and granting to the corporation the power to purchase lands for other purposes, they assume a power not granted in the constitution, and grant to others what they do not themselves possess. It is not *necessary* to the receiving, safe keeping, or transmission of the funds of the government, that the Bank should possess this power, and it is not *proper* that Congress should thus enlarge the powers delegated to them in the constitution.

The old Bank of the United States possessed a capital of only eleven millions of dollars, which was found fully sufficient to enable it, with despatch and safety, to perform all the functions required of it by the government. The capital of the present Bank is thirty-five millions of dollars—at least twenty-four more than experience has proved to be *necessary* to enable a bank to perform its public functions. The public debt which existed during the period of the old Bank, and on the establishment of the new, has been nearly paid off, and our revenue will soon be reduced. This increase of capital is, therefore, not for public, but for private purposes.

The government is the only "*proper*" judge where its agents should reside and keep their offices, because it best

knows where their presence will be "*necessary.*" It cannot, therefore, be '*necessary*' or '*proper*' to authorize the Bank to locate branches where it pleases, to perform the public service, without consulting the government, and contrary to its will. The principle laid down by the Supreme Court concedes, that Congress cannot establish a bank for purposes of private speculation and gain, but only as a means of executing the delegated powers of the general government. By the same principle, a branch bank cannot constitutionally be established for other than public purposes. The power which this act gives to establish two branches in any State without the injunction or request of the government, and for other than public purposes, is not '*necessary*' to the due *execution* of the powers delegated to Congress.

The bonus which is exacted from the Bank is a confession upon the face of the act, that the powers granted by it are greater than are '*necessary*' to its character of a fiscal agent. The government does not tax its officers and agents for the privilege of serving it. The bonus of a million and a half, required by the original charter, and that of three millions proposed by this act, are not exacted for the privilege of giving "the necessary facilities for transferring the public funds from place to place, within the United States, or the territories thereof, and for distributing the same in payment of the public creditors, without charging commission or claiming allowance on account of the difference of exchange" as required by the act of incorporation, but for something more beneficial to the stockholders. The original act declares, that it (the bonus) is granted "in consideration of the exclusive privileges and benefits conferred by this act upon the said Bank," and the act before me declares it to be, "in consideration of the exclusive benefits and privileges continued by this act to the said corporation for fifteen years as aforesaid."

It is, therefore, for "exclusive privileges and benefits" conferred for their own use and emolument, and not for the advantage of the government, that a bonus is exacted. These surplus powers, for which the Bank is required to pay, cannot surely be "*necessary*," to make it the fiscal agent of the treasury. If they were, the exaction of a bonus for them would not be "*proper*."

It is maintained by some, that the Bank is a means of executing the constitutional power "to coin money and regulate the value thereof." Congress have established a mint to coin money, and passed laws to regulate the value thereof. The money so coined, with its value so regulated, and such foreign coins as Congress may adopt, are the only currency known to the constitution. But if they have other power to regulate the currency, it was conferred to be exercised by themselves and not to be transferred to a corporation. If the Bank be established for that purpose, with a charter unalterable, without its consent, Congress have parted with their power for a term of years, during which the constitution is a dead letter. It is neither necessary nor proper to transfer its legislative power to such a Bank, and therefore unconstitutional.

By its silence, considered in connexion with the decision of the Supreme Court in the case of McCulloch against the state of Maryland, this act takes from the states the power to tax a portion of the banking business carried on within their limits, in subversion of one of the strongest barriers which secured them against federal encroachments. Banking, like farming, manufacturing, or any other occupation or profession, is *a business*, the right to follow which is not originally derived from the laws. Every citizen and every company of citizens in all our states, possessed the right until the state legislatures deemed it good policy to prohibit private banking by law. If the prohibitory state laws were now repealed, every

citizen would again possess the right. The state banks are a qualified restoration of the right which has been taken away by the laws against banking, guarded by such provisions and limitations as in the opinion of the state legislatures, the public interest requires. These corporations, unless there be an exemption in their charter, are, like private bankers and banking companies, subject to state taxation. The manner in which these taxes shall be laid depends wholly on legislative discretion. It may be upon the bank, upon the stock, upon the profits, or in any other mode which the sovereign power shall will.

Upon the formation of the constitution, the states guarded their taxing power with peculiar jealousy. They surrendered it only as it regards imports and exports. In relation to every other object within their jurisdiction, whether persons, property, business or profession, it was secured in as ample a manner as it was before possessed. All persons, though United States officers, are liable to a poll tax by the states within which they reside ; the lands of the U. States are liable to the usual land tax, except in the new states, from whom agreements, that they will not tax unsold lands, are exacted when they are admitted into the Union : horses, wagons, any beasts or vehicles, tools or property, belonging to private citizens, though employed in the service of the U. S., are subject to state taxation. Every private business, whether carried on by an officer of the general government or not, whether it be mixed with public concerns or not, even if it be carried on by the government of the U. S. itself, separately or in partnership, falls within the scope of the taxing power of the state. Nothing comes more fully within it than banks and the business of banking, by whomsoever instituted and carried on. Over this whole subject matter, it is just as absolute, unlimited, and uncontrollable, as if the constitution had never been adopted, because in the formation of that instrument, it was reserved without qualification

The principle is conceded, that the states cannot rightfully tax the operations of the general government. They cannot tax the money of the government deposited in the state Banks, nor the agency of those Banks in remitting it; but will any man maintain that their mere selection to perform this public service for the general government, would exempt the state Banks and their ordinary business from state taxation? Had the United States, instead of establishing a Bank at Philadelphia, employed a private Banker to keep and transmit their funds, would it have deprived Pennsylvania of the right to tax his Bank and his usual Banking operations? It will not be pretended. Upon what principle, then, are the banking establishments of the Bank of the United States and their usual banking operations, to be exempted from taxation. It is not their public agency or the deposits of the government which the states claim a right to tax, but their banks and their banking powers, instituted and exercised within state jurisdiction for their private emolument—those powers and privileges for which they pay a bonus, and which the states tax in their own banks. The exercise of these powers within a state, no matter by whom, or under what authority, whether by private citizens in their original right, by corporate bodies created by the states, by foreigners or the agents of foreign governments located within their limits, forms a legitimate object of state taxation. From this, and like sources, from the persons, property, and business, that are found residing, located, or carried on under their jurisdiction, must the states, since the surrender of the right to raise a revenue from imports and exports, draw all the money necessary for the support of their governments, and the maintenance of their independence. There is no more appropriate subject of taxation than banks, banking and bank stock, and none to which the states ought more pertinaciously to cling.

It cannot be *necessary* to the character of the bank, as a fiscal agent of the government, that its private business should be exempted from that taxation to which all the state banks are liable; nor can I conceive it "*proper*" that the substantive and most essential powers reserved by the states shall be thus attacked and annihilated as a means of executing the powers delegated to the general government. It may be safely assumed that none of those sages who had an agency in forming or adopting our constitution ever imagined that any portion of the taxing power of the states, not prohibited to them nor delegated to Congress, was to be swept away and annihilated as a means of executing certain powers delegated to Congress.

If our power over means is so absolute that the Supreme Court will not call in question the constitutionality of an act of Congress, the subject of which is "not prohibited, and is really calculated to effect any of the objects entrusted to the government," although, as in the case before me, it takes away powers expressly granted to Congress, and rights scrupulously reserved to the States, it becomes us to proceed in our legislation with the utmost caution. Though not directly, our own powers and the rights of the states may be indirectly legislated away in the use of means to execute substantive powers. We may not enact that Congress shall not have the power of exclusive legislation over the district of Columbia, but we may pledge the faith of the United States that, as a means of executing other powers, it shall not be exercised for twenty years or forever. We may not pass an act prohibiting the states to tax the banking business carried on within their limits, but we may, as a means of executing our powers over other objects, place that business in the hands of our agents, and then declare it exempt from the state taxation in their hands. Thus may our own powers and the

rights of the states, which we cannot directly curtail or invade, be frittered away and extinguished in the use of means employed by us to execute other powers.

That a bank of the U. States, competent to all the duties which may be required by the Government, might be so organized as not to infringe on our own delegated powers, or the reserved rights of the states, I do not entertain a doubt. Had the Executive been called upon to furnish the project of such an institution, the duty would have been cheerfully performed. In the absence of such a call, it was obviously proper that he should confine himself to pointing out those prominent features in the act presented, which, in his opinion, make it incompatible with the Constitution and sound policy. A general discussion will now take place, eliciting new light and settling important principles; and a new Congress, elected in the midst of such discussion, and furnishing an equal representation of the people according to the last census, will bear to the Capitol the verdict of public opinion, and I doubt not bring this important question to a satisfactory result.

Under such circumstances, the Bank comes forward and asks a renewal of its charter for a term of fifteen years, upon conditions which not only operate as a gratuity to the stockholders of many millions of dollars, but will sanction any abuses, and legalize any encroachments.

Suspicions are entertained, and charges are made, of gross abuse and violation of its charter. An investigation, unwillingly conceded, and so restricted in time as necessarily to make it incomplete and unsatisfactory, discloses enough to excite suspicion and alarm.

In the practices of the principal Bank partially unveiled, in the absence of important witnesses, and in numerous charges, confidently made, and as yet wholly uninvestigated, there was enough to induce a majority of

the committee of investigation, a committee which was selected from the most able and honourable members of the house of representatives, to recommend a suspension of further action upon the bill, and a prosecution of the inquiry. As the charter had yet four years to run, and as a renewal now was not necessary to the successful prosecution of its business, it was to have been expected that the Bank itself, conscious of its purity and proud of its character, would have withdrawn its application for the present, and demanded the severest scrutiny into all its transactions. In their declining to do so, there seems to be an additional reason why the functionaries of the government should proceed with less haste and more caution in the renewal of their monopoly.

The bank is professedly established as an agent of the Executive branches of the government, and its constitutionality is maintained on that ground. Neither upon the propriety of the present action nor upon the provisions of this act was the Executive consulted. It has had no opportunity to say that it neither needs nor wants any agent clothed with such powers, and favored by such exemptions. There is nothing in its legitimate functions which make it necessary or proper. Whatever interest or influence, whether public or private, has given birth to this act, it cannot be found either in the wishes or necessities of the Executive Department, by which present action is deemed premature, and the powers conferred upon its agent not only unnecessary, but dangerous to the government and country.

It is to be regretted that the rich and powerful too often bend the acts of government to their selfish purposes. Distinctions in society will always exist under every just government. Equality of talents, of education, or of wealth, cannot be produced by human institutions. In the full enjoyment of the gifts of Heaven, and the fruits

of superior industry, economy, and virtue, every man is equally entitled to protection by law. But when the laws undertake to add to these natural and just advantages, artificial distinctions, to grant titles, gratuities, and exclusive privileges, to make the rich richer, and the potent more powerful, the humble members of society, the farmers, mechanics, and labourers, who have neither the time nor the means of securing like favors to themselves, have a right to complain of the injustice of their government.

There are no necessary evils in government. Its evils exist only in its abuses. If it would confine itself to equal protection, and, as Heaven does its rains, shower its favors alike on the high and the low, the rich and the poor; it would be an unqualified blessing. In the act before me, there seems to be a wide and unnecessary departure from these just principles. Nor is our government to be maintained, or our Union preserved, by invasions of the rights and powers of the several States. In thus attempting to make our general government strong, we make it weak. Its true strength consists in leaving individuals and states, as much as possible, to themselves—in making itself felt, not in its power but in its beneficence, not in its control but in its protection, not in binding the States more closely to the centre, but leaving each to move unobstructed in its proper orbit.

Experience should teach us wisdom. Most of the difficulties our government now encounters, and most of the dangers which impend over our Union, have sprung from an abandonment of the legitimate objects of government by our national legislation, and the adoption of such principles as are embodied in this act. Many of our rich men have not been content with equal protection and equal benefits; but have besought us to make them richer by acts of Congress. By attempting to gratify their desires, we have in the results of our legislation, arrayed section against section, interest against interest, and man against

man, in a fearful commotion which threatens to shake the foundations of our Union. It is time to pause in our career, to review our principles, and if possible to revive that devoted patriotism and spirit of compromise, which distinguished the sages of the revolution, and the fathers of our Union. If we cannot at once, in justice to interests vested under improvident legislation, make our government what it ought to be, we can at least take a stand against all new grants of monopolies, and exclusive privileges, against any prostitution of our government, to the advancement of the few at the expense of the many, and in favor of compromise and gradual reform in our code of laws and system of political economy.

I have now done my duty to my country. If sustained by my fellow-citizens, I shall be grateful and happy; if not I shall find in the motives which impel me, ample grounds for contentment and peace. In the difficulties which surround us, and the dangers which threaten our institutions, there is cause for neither dismay nor alarm. For relief and deliverance, let us firmly rely on that kind Providence which, I am sure, watches with peculiar care over the destinies of our republic, and on the intelligence and wisdom of our countrymen. Through *His* abundant goodness and *their* patriotic devotion, our liberty and Union will be preserved.

ANDREW JACKSON.

Washington, July 10, 1832.

The sensations produced throughout the union on the promulgation of the veto message, were such as were never before created, by the exercise of a similar executive power. A large majority of the American people, it is believed, wished for it, and expected it; and yet, when it came, they were struck with wonder and admiration at the fearlessness, purity, and patiotism of the man, who, under such circumstances, had dared to perform so much

for his country. The following remarks on the subject of the veto message, by the conducter of a public journal, politically opposed to General Jackson, are magnanimous and just:

"It is a remarkable state paper, and its production will long be remembered by the people of the United States, and will, as we hope and trust, teach many of them that we have one man among us at least, who is resolved to preserve the constitution, and who is not ready to grant monopolies to the few, in defiance of the constitution, to the deep injury of the many, and the total subversion of the legitimate principles of republican independence.

"The hostility of General Jackson to the present bank of the United States, is not only remarkable for its ardor, but for its lofty carriage, and manly independence. Any other man than Andrew Jackson, standing in the relation of a candidate for the presidency of the United States, would have supported the bank bill from pure fear of consequences; and it is not improper to add, in this place, that more than one public personage, on the catalogue of candidates for high offices, has supported the bank of the United States, from an impression and firm belief that the influence of a monied power, the influence of a mighty bank, would accelerate his march towards the political goal at which he aimed. If General Jackson was not a bold and fearless man, he would not venture to assail an institution possessing the immense wealth and patronage that the United States bank does;—if he was not honest, he would not dare expose its iniquity, its corruption, and its base designs upon the constitution of the country. If Andrew Jackson was not an honest man, a man who looks to the happiness of his fellow-citizens, before he stops to count the effect which this or that step will have on his popularity, he would have favored the bank bill, and thus secured its patronage and the friendship of its ten thou-

sand hangers on and partisans. If he had advocated and sanctioned its re-charter, he would have secured the vote of every president, stockholder, cashier, under officer, and porter; but with an independence of mind, which would seem to scorn to purchase popularity at the expense of the true interest of the people, he has opposed the project of re-chartering the bank of the United States, and has thus nobly and manfully discharged his duty. We admire him for the design, and we honor him for the completion of the act.

"The effect of the veto cannot be mistaken, nor can its consequences fail to find a timely appreciation in the bosom of every patriot, every friend of the union. It will place the banking operations of the country on their proper footing—it will sustain the states in the free exercise of their rights, and it will teach foreign capitalists that they cannot place their funds in this country, without their being subject to the same burdens and taxations that are endured by the American people. It will teach all, that monopolies *will not* be granted, and that the few shall not be favored at the expense of the many, and that this is a country where equal rights and equal liberty is alike secured to all classes of human society.

"The rigid demands upon the dimensions of our columns by another subject, forbid that we should indulge in these remarks to the extent that we contemplated, and we must dismiss the message of General Jackson, with the hope that a document so able and so important, will be found in the hands of every citizen of the United States. It is a production that the American people have just cause to be proud of;—it reflects immortal honor on the head and hand of the president, and in future ages will be hailed as the proudest eminence in the landmarks of pre-eminence and patriotic devotion. In saying this much, we do ample and exact justice to the president; we yield to

him what his conduct has merited, and offer to him the increase of individual and humble approbation. The message cannot be successfully assailed by any of the master spirits of the United States Congress; indeed they have not attempted any thing of the kind, but beholding with wonder the splendor of the document, and the majesty of mind, and purity of patriotic devotion, which it so ardently breathes, they look around them with amazement and wonder at their own insignificance and puerility."

The political party opposed to the re-election of General Jackson to the Presidency, evinced much exultation as the news of his rejection of the bill for re-chartering the Bank of the United States spread throughout the country. They augured a disgraceful termination of his political career in consequence; partisan presses were loud and boisterous in their denunciations of the veto, and his enemies, one and all, looked forward in confident expectation to the period of the election, when they imagined that General Jackson would reap the reward of his official act by a sad reverse in his political fortunes.

The Bank itself adopted a most reprehensible course in reference to the election. All its powers were put in exercise to prevent the re-election of the man, who had opposed its re-charter from the purest motives that ever actuated a patriot's breast. But the efforts of his enemies proved unavailing. The election took place, and resulted in his re-election by an overwhelming majority—a majority, beyond the expectations of his most sanguine friends. He received two hundred and nineteen of the two hundred and eighty-six electoral votes—an admirable demonstration of his popularity, and the approval of his official acts by the American people.

Immediately after the presidential question was decided, the disaffection of a portion of the citizens of South-Caroli-

na, in regard to tne operation of the Tariff laws, began to assume a threatening aspect. The disaffected in that section, opposed to the Tariff, boldly advocated the doctrine of nullification :—meetings were held—inflammatory speeches were made and resolutions adopted, until at last these misguided men assembled in convention, and issued an Ordinance, indicative of their hostility to the Tariff,—to the General Government,—to the President, and to the union of the States; teeming with violent and dangerous doctrines—doctrines, which, if carried into effect, would undermine the foundations on which rests the fair fabric of our civil polity—dismember the Union, and entail upon our country all the evils incident to internal divisions, and civil strife.

President Jackson met the Ordinance promulgated by the Nullification party in South Carolina with his characteristic decision and firmness, and on the 10th December, he issued a proclamation in reply. It was a powerful and eloquent exposition of the rights of the States,—the rights of the General Government, and duties of the people,—and was every where received throughout the country, by the friends of the Union, with the utmost cordiality and approbation. It is universally conceded, that a more popular state paper has never issued from any department of the General Government since the period of its commencement. We give it entire, well assured that its sentiments and doctrines will be ardently cherished by every friend of the unity and harmony of the free institutions of his country, so long as a spark of patriotism kindles the emotions of his heart.

PROCLAMATION;

By Andrew Jackson, President of the United States.

WHEREAS a Convention assembled in the State of South Carolina, have passed an Ordinance, by which they declare, "That the several acts and parts of acts of the Congress of the United States, purporting to be laws for imposing of duties and imposts on the importation of foreign commodities, and now having actual operation and effect within the United States, and more especially," two acts for the same purposes passed on the 29th of May, 1828, and on the 14th of July, 1832, "are unauthorized by the Constitution of the United States, and violate the true meaning and intent thereof, and are null and void, and no law," nor binding on the citizens of that State or its officers: and by the said Ordinance, it is further declared to be unlawful for any of the constituted authorities of the State or of the United States to enforce the payment of the duties imposed by the said acts within the same State, and that it is the duty of the Legislature to pass such laws as may be necessary to give full effect to the said Ordinance;

And whereas, by the said Ordinance it is further ordained, that in no case of law or equity, decided in the courts of said State, wherein shall be drawn in question the validity of the said Ordinance, or of the acts of the Legislature that may be passed to give it effect, or of the said laws of the United States, no appeal shall be allowed to the Supreme Court of the United States, nor shall any copy of the record be permitted or allowed for that purpose, and that any person attempting to take such appeal shall be punished as for a contempt of court;

And, finally, the said Ordinance declares, that the people of South Carolina will maintain the said Ordinance at every hazard; and that they will consider the passage of

any act by Congress abolishing or closing the ports of the said State, or otherwise obstructing the free ingress or egress of vessels to and from the said ports, or any other act of the Federal Government to coerce the State, shut up her ports, destroy or harrass her commerce, or to enforce the said acts otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union; and that the people of the said State will thenceforth hold themselves absolved from all further obligation to maintain or preserve their political connection with the people of the other States, and will forthwith proceed to organize a separate government, and do all other acts and things which sovereign and independent States may of right do;

And whereas, the said Ordinance prescribes to the people of South Carolina a course of conduct, in direct violation of their duty as citizens of the United States, contrary to the laws of their country, subversive of its constitution, and having for its object the destruction of the Union—that union, which, coeval with our political existence, led our fathers, without any other ties to unite them than those of patriotism and a common cause, through a sanguinary struggle to a glorious independence—that sacred Union, hitherto inviolate, which, perfected by our happy Constitution, has brought us by the favor of Heaven to a state of prosperity at home, and high consideration abroad, rarely, if ever, equalled in the history of nations. To preserve this bond of our political existence from destruction, to maintain inviolate this state of national honor and prosperity, and to justify the confidence my fellow-citizens have reposed in me, I, Andrew Jackson, *President of the United States*, have thought proper to issue this my proclamation, stating my views of the Constitution and laws applicable to the measures adopted by the Convention

of South Carolina, and to the reasons they have put forth to sustain them, declaring the course which duty will require me to pursue, and, appealing to the understanding and patriotism of the people, warn them of the consequences that must inevitably result from an observance of the dictates of the Convention.

Strict duty would require of me nothing more than the exercise of those powers with which I am now or may hereafter be invested, for preserving the peace of the Union and for the execution of the laws. But the imposing aspect which opposition has assumed in this case, by clothing itself with State authority, and the deep interest which the people of the United States must all feel in preventing a resort to stronger measures, while there is a hope that any thing will be yielded to reasoning and remonstrance, perhaps demand, and will certainly justify, a full exposition to South Carolina and the nation of the views I entertain of this important question, as well as a distinct enunciation of the course which my sense of duty will require me to pursue.

The Ordinance is founded not on the indefeasible right of resisting acts which are plainly unconstitutional and too oppressive to be endured; but on the strange position that any one State may not only declare an Act of Congress void, but prohibit its execution—that they may do this consistently with the Constitution—that the true construction of that instrument permits a State to retain its place in the Union, and yet be bound by no other of its laws than those it may choose to consider as constitutional. It is true they add, that to justify this abrogation of a law, it must be palpably contrary to the Constitution; but it is evident, that to give the right of resisting laws of that description, coupled with the uncontrolled right to decide what laws deserve that character, is to give the

power of resisting all laws. For, as by the theory there is no appeal, the reasons alleged by the State, good or bad, must prevail. If it should be said that public opinion is a sufficient check against the abuse of this power, it may be asked why it is not deemed a sufficient guard against the passage of an unconstitutional Act by Congress. There is, however, a restraint in this last case, which makes the assumed power of a State more indefensible, and which does not exist in the other. There are two appeals from an unconstitutional Act passed by Congress—one to the Judiciary, the other to the People and the States. There is no appeal from the State decision in theory, and the practical illustration shows that the Courts are closed against an application to review it, both judges and jurors being sworn to decide in its favor. But reasoning on this subject is superfluous when our social compact in express terms declares, that the laws of the United States, its Constitution, and treaties made under it, are the supreme law of the land—and for greater caution adds, "that the judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding." And it may be asserted without fear of refutation, that no Federative Government could exist without a similar provision. Look for a moment to the consequence. If South Carolina considers the revenue laws unconstitutional, and has a right to prevent their execution in the port of Charleston, there would be a clear constitutional objection to their collection in every other port, and no revenue could be collected any where; for all imposts must be equal. It is no answer to repeat, that an unconstitutional law is no law, so long as the question of its legality is to be decided by the State itself; for every law operating injuriously upon any local interest will

be perhaps thought, and certainly represented, as unconstitutional, and, as has been shown, there is no appeal.

If this doctrine had been established at an earlier day, the Union would have been dissolved in its infancy.—The excise law in Pennsylvania, the embargo and non-intercourse law in the Eastern States, the carriage tax in Virginia, were all deemed unconstitutional, and were more unequal in their operation than any of the laws now complained of; but fortunately none of these States discovered that they had the right now claimed by South Carolina. The war into which we were forced to support the dignity of the nation and the rights of our citizens, might have ended in defeat and disgrace instead of victory and honor, if the States who supposed it a ruinous and unconstitutional measure had thought they possessed the right of nullifying the act by which it was declared, and denying supplies for its prosecution. Hardly and unequally as those measures bore upon several members of the Union, to the Legislatures of none did this efficient and peaceable remedy, as it is called, suggest itself. The discovery of this important feature in our Constitution was reserved to the present day. To the statesmen of South Carolina belongs the invention, and upon the citizens of that State will unfortunately fall the evils of reducing it to practice.

If the doctrine of a State veto upon the laws of the Union carries with it internal evidence of its impracticable absurdity, our constitutional history will also afford abundant proof that it would have been repudiated with indignation had it been proposed to form a feature in our Government.

In our colonial state, although dependent on another power, we very early considered ourselves as connected by common interest with each other. Leagues were formed for common defence, and before the declaration of In-

dependence we were known in our aggregate character, AS THE UNITED COLONIES OF AMERICA. That decisive and important step was taken jointly. We declared ourselves a nation by joint, not by several acts, and when the terms of our confederation were reduced to form, it was in that of a solemn league of several States, by which they agreed that they would collectively form one nation for the purpose of conducting some certain domestic concerns and all foreign relations. In the instrument forming that union is found an article, which declares, "that every State shall abide by the determinations of Congress on all questions which by that confederation should be submitted to them."

Under the confederation then, no State could legally annul a decision of the Congress, or refuse to submit to its execution; but no provision was made to enforce these decisions. Congress made requisitions, but they were not complied with. The Government could not operate on individuals. They had no Judiciary, no means of collecting revenue.

But the defects of the confederation need not be detailed. Under its operation we could scarcely be called a nation. We had neither prosperity at home nor consideration abroad. This state of things could not be endured, and our present happy Constitution was formed, but formed in vain, if this fatal doctrine prevails. It was formed for important objects that are announced in the preamble, made in the name and by the authority of the people of the United States, whose delegates framed, and whose conventions approved it. The most important among these objects, that which is placed first in rank, on which all the others rest, is, "*to form a more perfect Union.*" Now, is it possible that even if there were no express provision giving supremacy to the Constitution and laws

of the United States over those of the States—can it be conceived, that an instrument made for the purpose of "*forming a more perfect Union*," than that of the confederation, could be so constructed by the assembled wisdom of our country, as to substitute for that confederation a form of government dependent for its existence on the local interest, the party spirit of a State, or of a prevailing faction in a State? Every man of plain, unsophisticated understanding, who hears the question, will give such an answer as will preserve the Union. Metaphysical subtlety, in pursuit of an impracticable theory, could alone have devised one that is calculated to destroy it.

I consider then the power to annul a law of the United States, assumed by one State, INCOMPATIBLE WITH THE EXISTENCE OF THE UNION, CONTRADICTED EXPRESSLY BY THE LETTER OF THE CONSTITUTION, UNAUTHORISED BY ITS SPIRIT, INCONSISTENT WITH EVERY PRINCIPLE ON WHICH IT WAS FOUNDED, AND DESTRUCTIVE OF THE GREAT OBJECT FOR WHICH IT WAS FORMED.

After this general view of the leading principle, we must examine the particular application of it which is made in the Ordinance.

The preamble rests its justification on these grounds: It assumes as a fact, that the obnoxious laws, although they purport to be laws for raising revenue, were in reality intended for the protection of manufactures, which purpose it asserts to be unconstitutional; that the operation of these laws is unequal; that the amount raised by them is greater than is required by the wants of the government; and finally, that the proceeds are to be applied to objects unauthorized by the Constitution. These are the only causes alleged to justify an open opposition to the laws of the country, and a threat of seceding from the Union, if any attempt should be made to enforce them.

The first virtually acknowledges, that the law in question was passed under a power expressly given by the Constitution, to lay and collect imposts; but its constitutionality is drawn in question from the *motive* of those who passed it. However apparent this purpose may be in the present case, nothing can be more dangerous than to admit the position that an unconstitutional purpose, entertained by the members who assent to a law enacted under a constitutional power, shall make that law void: for how is that purpose to be ascertained? Who is to make the scrutiny? How often may bad purposes be falsely imputed—in how many cases are they concealed by false professions—in how many is no declaration of motive made? Admit this doctrine, and you give to the States an uncontrolled right to decide, and every law may be annulled under this pretext. If, therefore, the absurd and dangerous doctrine should be admitted, that a State may annul an unconstitutional law, or one that it deems such, it will not apply to the present case.

The next objection is, that the laws in question operate unequally. This objection may be made with truth, to every law that has been or can be passed. The wisdom of man never yet contrived a system of taxation that would operate with perfect equality. If the unequal operation of a law makes it unconstitutional, and if all laws of that description may be abrogated by any State for that cause, then indeed is the Federal Constitution unworthy of the slightest effort for its preservation. We have hitherto relied on it as the perpetual bond of our Union. We have received it as the work of the assembled wisdom of the nation. We have trusted to it as to the sheet anchor of our safety in the stormy times of conflict with a foreign or domestic foe. We have looked to it with sacred awe as the palladium of our liberties, and with all the solemni-

ties of religion have pledged to each other our lives and fortunes here, and our hopes of happiness hereafter, in its defence and support. Were we mistaken, my countrymen, in attaching this importance to the Constitution of our country? Was our devotion paid to the wretched, inefficient, clumsy contrivance, which this new doctrine would make it? Did we pledge ourselves to the support of an airy nothing, a bubble that must be blown away by the first breath of disaffection? Was this self-destroying, visionary theory, the work of the profound statesmen, the exalted patriots, to whom the task of constitutional reform was entrusted? Did the name of Washington sanction, did the States deliberately ratify, such an anomaly in the history of fundamental legislation? No! We were not mistaken. The letter of this great instrument is free from this radical fault;—its language directly contradicts the imputation;—its spirit—its evident intent, contradicts it. No, we did not err! Our Constitution does not contain the absurdity of giving power to make laws and another power to resist them. The sages whose memory will always be reverenced, have given us a practical, and as they hoped, a permanent constitutional compact. The Father of his country did not affix his revered name to so palpable an absurdity. Nor did the States, when they severally ratified it, do so under the impression that a veto on the laws of the United States was reserved to them, or that they could exercise it by implication. Search the debates in all their Conventions—examine the speeches of the most zealous opposers of Federal authority—look at the amendments that were proposed;—they are all silent—not a syllable uttered, not a vote given, not a motion made, to correct the explicit supremacy given to the laws of the Union over those of the States—or to show that implication, as is now contended, could defeat it. No—we have not erred!

The Constitution is still the object of our reverence, the bond of our Union, our defence in danger, the source of our prosperity in peace. It shall descend as we have received it, uncorrupted by sophistical construction, to our posterity; and the sacrifices of local interest, of State prejudices, or personal animosities, that were made to bring it into existence, will again be patriotically offered for its support.

The two remaining objections made by the Ordinance to these laws are, that the sums intended to be raised by them are greater than are required, and that the proceeds will be unconstitutionally employed.

The Constitution has given expressly to Congress the right of raising revenue, and of determining the sum the public exigences will require. The States have no control over the exercise of this right, other than that which results from the power of changing the Representatives who abuse it, and thus procure redress. Congress may undoubtedly abuse this discretionary power, but the same may be said of others with which they are vested. Yet the discretion must exist somewhere. The Constitution has given it to the Representatives of all the people, checked by the Representatives of the States, and by the Executive power. The South Carolina construction gives it to the Legislature or the Convention of a single State, where neither the people, of the different States, nor the States in their separate capacity, nor the Chief Magistrate elected by the people have any representation. Which is the most discreet disposition of the power? I do not ask you, fellow citizens, which is the constitutional disposition —that instrument speaks a language not to be misunderstood. But if you were assembled in general convention, which would you think the safest depositary of this discretionary power in the last resort? Would you add a

clause, giving it to each of the States, or would you sanction the wise provisions already made by your Constitution? If this should be the result of your deliberations when providing for the future, are you, can you be ready, to risk all that we hold dear, to establish, for a temporary and a local purpose, that which you must acknowledge to be destructive and even absurd as a general provision? Carry out the consequences of this right vested in the different States, and you must perceive that the crisis your conduct presents at this day would recur whenever any law of the United States displeased any of the States, and that we should soon cease to be a nation.

The Ordinance, with the same knowledge of the future that characterizes a former objection, tells you that the proceeds of the tax will be unconstitutionally applied. If this could be ascertained with certainty, the objection would, with more propriety, be reserved for the law so applying the proceeds, but surely cannot be urged against the laws levying the duty.

These are the allegations contained in the Ordinance. Examine them seriously, my fellow citizens—judge for yourselves. I appeal to you to determine whether they are so clear, so convincing, as to leave no doubt of their correctness: and even if you should come to the conclusion, how far they justify the reckless, destructive course, which you are directed to pursue. Review these objections, and the conclusions drawn from them, once more. What are they? Every law then for raising revenue, according to the South Carolina Ordinance, may be rightfully annulled, unless it be so framed as no law ever will or can be framed. Congress has a right to pass laws for raising revenue, and each State has a right to oppose their execution—two rights directly opposed to each other —and yet is this absurdity supposed to be contained in an

instrument drawn for the express purpose of avoiding collisions between the States and the General Government, by an assembly of the most enlightened statesmen and purest patriots ever embodied for a similar purpose.

In vain have these sages declared that Congress shall have power to lay and collect taxes, duties, imposts, and excises—in vain have they provided that they shall have power to pass laws which shall be necessary and proper to carry those powers into execution, that those laws and that Constitution shall be the supreme law of the land, and that the judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the "contrary notwithstanding."—In vain have the people of the several States solemnly sanctioned these provisions, made them their paramount law, and individually sworn to support them whenever they were called on to execute any office. Vain provisions! ineffectual restrictions! vile profanation of oaths! miserable mockery of legislation! —if a bare majority of the voters in any one State may, on a real or supposed knowledge of the intent with which a law has been passed, declare themselves free from its operation—say here it gives too little, there too much, and operates unequally—here it suffers articles to be free that ought to be taxed—there it taxes those that ought to be free—in this case the proceeds are intended to be applied to purposes which we do not approve—in that the amount raised is more than is wanted. Congress, it is true, are vested by the Constitution with the right of deciding these questions according to their sound discretion: Congress is composed of the representatives of all the States and of all the people of all the States; but WE, part of the people of one State, to whom the Constitution has given no power on the subject, from whom it has expressly taken it away—*we*, who have solemnly

agreed that this Constitution shall be our law—*we*, most of whom have sworn to support it—*we*, now abrogate this law, and swear, and force others to swear, that it shall not be obeyed—and we do this, not because Congress have no right to pass such laws, (this we do not allege,) but because they have passed them with improper views. They are unconstitutional from the motives of those who passed them, which we can never with certainty know—from their unequal operation, although it is impossible from the nature of things that they should be equal—and from the disposition which we presume may be made of their proceeds, although that disposition has not been declared. This is the plain meaning of the Ordinance in relation to laws which it abrogates for alleged unconstitutionality. But it does not stop there. It repeals, in express terms, an important part of the Constitution itself, and of laws passed to give it effect, which have never been alleged to be unconstitutional. The Constitution declares that the judicial powers of the United States extend to cases arising under the laws of the United States, and that such laws, the Constitution, and treaties, shall be paramount to the State Constitutions and laws. The judiciary act prescribes the mode by which the case may be brought before a Court of the United States, by appeal, when a State tribunal shall decide against this provision of the Constitution. The Ordinance declares there shall be no appeal—makes the State law paramount to the Constitution and laws of the United States—forces judges and jurors to swear that they will disregard their provisions, and even makes it penal in a suitor to attempt relief by appeal. It further declares, that it shall not be lawful for the authorities of the United States, or of that State, to enforce the payment of duties imposed by the revenue laws within its limits.

Here is a law of the United States, not even pretended to be unconstitutional, repealed by the authority of a small majority of the voters of a single State. Here is a provision of the Constitution, which is solemnly abrogated by the same authority.

On such expositions and reasonings the Ordinance grounds not only an assertion of the right to annul the laws of which it complains, but to enforce it by a threat of seceding from the Union if any attempt is made to execute them.

This right to secede is deduced from the nature of the Constitution, which they say is a compact between the sovereign States, who have preserved their whole sovereignty, and therefore are subject to no superior: that because they made the compact, they can break it, when, in their opinion, it has been departed from by the other States. Fallacious as this course of reasoning is, it enlists state pride, and finds advocates in the honest prejudices of those who have not studied the nature of our government sufficiently to see the radical error on which it rests.

The people of the United States formed the Constitution, acting through the State Legislatures in making the compact, to meet and discuss its provisions, and acting in separate conventions when they ratified those provisions; but the terms used in its construction, show it to be a government in which the people of all the States collectively are represented. We are ONE PEOPLE in the choice of the President and Vice-President. Here the States have no other agency than to direct the mode in which the votes shall be given. The candidates having the majority of all the votes are chosen. The electors of a majority of the States may have given their votes for one candidate, and yet another may be chosen. The people, then, and not the States, are represented in the Executive branch.

In the House of Representatives there is this difference, that the people of one State do not, as in the case of President and Vice President, all vote for the same officers. The people of all the States do not vote for all the members, each state electing only its own representatives. But this creates no material distinction. When chosen they are all representatives of the United States, not representatives of the particular State from which they come. They are paid by the United States, not by the State, nor are, tney accountable to it for any act done in the performance of their legislative functions; and however they may in practice, as it is their duty to do, consult and prefer the interests of their particular constituents when they come in conflict with any other partial or local interest, yet it is their first and highest duty, as representatives of the United States, to promote the general good.

The Constitution of the United States, then, forms a *government*, not a league, and whether it be formed by compact between the States, or in any other manner, its character is the same. It is a government in which all the people are represented, which operates directly on the people individually, not upon the States—they retained all the power they did not grant. But each State having expressly parted with so many powers as to constitute jointly with the other States a single nation, cannot from that period possess any right to secede, because such secession does not break a league, but destroys the unity of a nation, and any injury to that unity is not only a breach which would result from the contravention of a compact, but it is an offence against the whole Union. To say that any State may at pleasure secede from the Union, is to say that the United States are not a nation; because it will be a solecism to contend that one part of the nation might dissolve its connexion with the other parts, to their injury

and ruin, without committing any offence. Secession, like any other revolutionary act, may be morally justified by the extremity of oppression: but to call it a constitutional right, is confounding the meaning of terms, and can only be done through gross error, or to deceive those who are willing to assert a right, but would pause before they made a revolution, or incur the penalties consequent on a failure.

Because the Union was formed by compact, it is said the parties to the compact may, when they feel themselves aggrieved, depart from it: but it is precisely because it is a compact that they cannot. A compact is an agreement or binding obligation. It may by its terms have a sanction or penalty for its breach, or it may not. If it contains no sanction, it may be broken with no other consequence than moral guilt; if it have a sanction, then the breach incurs the designated or implied penalty. A league between independent nations, generally, has no other sanction than a moral one; or if it should contain a penalty, as there is no common superior, it cannot be enforced. A government, on the contrary, always has a sanction, express or implied; and, in our case, it is both necessarily implied and expressly given. An attempt by force of arms to destroy a government, is an offence, by whatever means the constitutional compact may have been formed; and such government has the right, by the law of self-defence, to pass acts for punishing the offender, unless the right is modified, restrained, or resumed, by the constitutional act. In our system, although it is modified in the case of treason, yet authority is expressly given to pass all laws necessary to carry its powers into effect, and under this grant, provision has been made for punishing acts which obstruct the due administration of the laws.

It would seem superfluous to add any thing to show the

nature of that union which connects us; but as erroneous opinions on this subject are the foundation of doctrines the most destructive to our peace, I must give some further development to my views on this subject. No one, fellow-citizens, has a higher reverence for the reserved rights of the States, than the Magistrate who now addresses you; no one would make greater personal sacrifices, of official exertions to defend them from violation;—but equal care must be taken to prevent, on their part, an improper interference with, or resumption of, the rights they have vested in the nation. The line has been so distinctly drawn as to avoid doubts in some cases of the exercise of power. Men of the best intentions and soundest views may differ in their construction of some parts of the Constitution; but there are others on which dispassionate reflection can leave no doubt. Of this nature appears to be the assumed right of secession. It rests, as we have seen, on the alleged undivided sovereignty of the States, and on their having formed, in this sovereign capacity, a compact which is called the Constitution, from which, because they made it, they have a right to secede. Both of these positions are erroneous, and some of the arguments to prove them so have been anticipated.

The States severally have not retained their entire sovereignty. It has been shown that in becoming parts of a nation, not members of a league, they surrendered many of their essential parts of sovereignty. The right to make treaties—declare war—levy taxes—exercise exclusive judicial and legislative powers—were all of them functions of sovereign power. The States, then, for all these important purposes, were no longer sovereign. The allegiance of their citizens was transferred, in the first instance, to the Government of the United States—they became American citizens, and owed obedience to the Constitution of the

United States, and to laws made in conformity with the powers it vested in Congress. This last position has not been, and cannot be denied. How then can that State be said to be sovereign and independent, whose citizens owe obedience to laws not made by it, and whose magistrates are sworn to disregard those laws, when they come in conflict with those passed by another? What shows conclusively that the States cannot be said to have reserved an undivided sovereignty, is, that they expressly ceded the right to punish treason, not treason against their separate power, but treason against the United States. Treason is an offence against *sovereignty*, and sovereignty must reside with the power to punish it. But the reserved rights of the States are not less sacred because they have for their common interest made the General Government the depository of these powers. The unity of our political character (as has been shown for another purpose) commenced with its very existence. Under the Royal Government we had no separate character; but opposition to its oppressions began as UNITED COLONIES. We were the UNITED STATES under the confederation; and the name was perpetuated, and the Union rendered more perfect, by the Federal Constitution. In none of these stages did we consider ourselves in any other light than as forming one nation. Treaties and alliances were made in the name of all. Troops were raised for the joint defence. How, then, with all these proofs, that under all changes of our position, we had, for designated purposes, and with defined powers, created national Governments—how is it, that the most perfect of those several modes of union, should now be considered as a mere league that may be dissolved at pleasure? It is from an abuse of terms. Compact is used as synonymous with league, although the true term is not employed, because it would at once show the fallacy of

the reasoning. It would not do to say that our Constitution was only a league, but it is laboured to prove it a compact, (which in one sense it is,) and then to argue that, as a league is a compact, every compact between nations must of course be a league, and that from such an engagement every sovereign power has a right to secede. But it has been shown, that in this sense the States are not sovereign, and that even if they and the national Constitution had been formed by compact, there would be no right in any one State to exonerate itself from its obligations.

So obvious are the reasons which forbid this secession, that it is necessary only to allude to them. The Union was formed for the benefit of all. It was produced by mutual sacrifices of interests and opinions. Can those sacrifices be recalled? Can the States, who magnanimously surrendered their title to the Territories of the West, recal the grant? Will the inhabitants of the inland States agree to pay the duties that may be imposed without their assent by those on the Atlantic or the Gulf for their own benefit? Shall there be a free port in one State, and onerous duties in another? No one believes that any right exists in a single State to involve all the others in these and countless other evils contrary to engagements solemnly made. Every one must see that the other States, in self-defence, must oppose it at all hazards.

These are the alternatives that are presented by the Convention: A repeal of all the acts for raising revenue, leaving the Government without the means of support; or an acquiescence in the dissolution of our Union by the secession of one of its members. When the first was proposed, it was known that it could not be listened to for a moment. It was known if force was applied to oppose the execution of the laws, that it must be repelled by force—

that Congress could not, without involving itself in disgrace and the country in ruin, accede to the proposition: and yet if this is not done in a given day, or if any attempt is made to execute the laws, the State is, by the Ordinance, declared to be out of the Union. The majority of a Convention assembled for the purpose have dictated these terms, or rather this rejection of all terms, in the name of the people of South Carolina. It is true, that the Governor of the State speaks of the submission of their grievances to a convention of all the States; which, he says, they "sincerely and anxiously seek and desire." Yet this obvious and constitutional mode of obtaining the sense of the other States on the construction of the federal compact, and amending it, if necessary, has never been attempted by those who have urged the State on to this destructive measure. The State might have proposed the call for a general convention to the other States; and Congress, if a sufficient number of them concurred, must have called it. But the first magistrate of South Carolina, when he expressed a hope that, "on a review by Congress and the functionaries of the General Government of the merits of the controversy," such a convention will be accorded to them, must have known that neither Congress nor any functionary of the General Government has authority to call such a Convention, unless it be demanded by two thirds of the States.

This suggestion, then, is another instance of the reckless inattention to the provisions of the Constitution with which this crisis has been madly hurried on; or of the attempt to persuade the people that a constitutional remedy had been sought and refused. If the legislature of South Carolina "anxiously desired" a General Convention to consider their complaints, why have they not made application for it in the way the Constitution points out. The

assertion that they "earnestly seek" it is completely negatived by the omission.

This, then, is the position in which we stand. A small majority of the citizens of one State in the Union have elected delegates to a State Convention: that Convention has ordained that all the revenue laws of the United States must be repealed, or that they are no longer a member of the Union. The Governor of that State has recommended to the legislature the raising of an army to carry the secession into effect, and that he may be empowered to give clearances to vessels in the name of the State. No act of violent opposition to the laws has yet been committed, but such a state of things is hourly apprehended, and it is the intent of this instrument to PROCLAIM not only that the duty imposed on me by the Constitution, to "take care that the laws be faithfully executed," shall be performed to the extent of the powers already vested in me by law, or of such others as the wisdom of Congress shall devise and entrust to me for that purpose; but to warn the citizens of South Carolina, who have been deluded into an opposition to the laws, of the danger they will incur by obedience to the illegal and disorganizing Ordinance of the Convention,—to exhort those who have refused to support it to persevere in their determination to uphold the Constitution and laws of their country,—and to point out to all the perilous situation into which the good people of that State have been led,—and that the course they are urged to pursue is one of ruin and disgrace to the very State whose rights they affect to support.

Fellow citizens of my native State, let me not only admonish you, as the first Magistrate of our common country, not to incur the penalty of its laws, but use the influence that a Father would over his children whom he saw rushing to certain ruin. In that paternal language, with that pater-

nal feeling, let me tell you, my countrymen, that you are deluded by men who are either deceived themselves or wish to deceive you. Mark under what pretences you have been led on the brink of insurrection and treason, on which you stand! First a diminution of the value of your staple commodity, lowered by over production in other quarters, and the consequent diminution in the value of your lands, were the sole effect of the Tariff laws. The effect of those laws was confessedly injurious, but the evil was greatly exaggerated by the unfounded theory you were taught to believe, that its burthens were in proportion to your exports, not to your consumption of imported articles. Your pride was roused by the assertion that a submission to those laws was a state of vassalage, and that resistance to them was equal in patriotic merit, to the opposition of our fathers offered to the oppressive laws of Great Britain. You were told that this opposition might be peaceably—might be constitutionally made—that you might enjoy all the advantages of the Union and bear none of its burthens. Eloquent appeals to your passions, to your State pride, to your native courage, to your sense of real injury, were used to prepare you for the period when the mask which concealed the hideous features of DISUNION, should be taken off. It fell, and you were made to look with complacency on objects which not long since you would have regarded with horror. Look back to the arts which have brought you to this state—look forward to the consequences to which it must inevitably lead! Look back to what was first told you as an inducement to enter into this dangerous course. The great political truth was repeated to you, that you had the revolutionary right of resisting all laws that were palpably unconstitutional and intolerably oppressive—it was added, that the right to nullify a law rested on the same principle, but

that it was a peaceable remedy! This character which was given to it, made you receive with too much confidence the assertions that were made of the unconstitutionality of the law and its oppressive effects. Mark, my fellow citizens, that by the admission of your leaders the unconstitutionality must be *palpable*, or it will not justify either resistance or nullification! What is the meaning of the word *palpable* in the sense in which it is here used?—that which is apparent to every one, that which no man of ordinary intellect will fail to perceive. Is the unconstitutionality of these of that description? Let those among your leaders who once approved and advocated the principle of protective duties, answer the question; and let them choose whether they will be considered as incapable, then, of perceiving that which must have been apparent to every man of common understanding, or as imposing upon your confidence and endeavouring to mislead you now. In either case, they are unsafe guides in the perilous path they urge you to tread. Ponder well on this circumstance, and you will know how to appreciate the exaggerated language they address to you. They are not champions of liberty, emulating the fame of our Revolutionary Fathers, nor are you an oppressed people contending, as they repeat to you, against worse than colonial vassalage. You are free members of a flourishing and happy Union. There is no settled design to oppress you. You have in deed felt the unequal operation of laws which may have been unwisely, not unconstitutionally passed: but that inequality must necessarily be removed. At the very moment when you were madly urged on to the unfortunate course you have begun, a change in public opinion had commenced.—The nearly approaching payment of the public debt, and the consequent necessity of a diminution of duties, had already produced a considerable reduction,

and that too on some articles of general consumption in your State.

The importance of this change was underrated, and you were authoritatively told that no further alleviation of your burthens was to be expected, at the very time when the condition of the country imperiously demanded such a modification of the duties as should reduce them to a just and equitable scale. But, as if apprehensive of the effect of this change in allaying your discontents, you were precipitated into the fearful state in which you now find yourselves.

I have urged you to look back to the means that were used to hurry you on to the position you have now assumed, and forward to the consequences it will produce. Something more is necessary. Contemplate the condition of that country of which you still form an important part!—consider its government, uniting in one bond of common interest and general protection so many different States—giving to all their inhabitants the proud title of AMERICAN CITIZEN—protecting their commerce—securing their literature and their arts—facilitating their intercommunication, defending their frontiers—and making their name respected in the remotest parts of the earth! Consider the extent of their territory, its increasing and happy population, its advance in arts, which render life agreeable, and the sciences which elevate the mind! See education spreading the lights of religion, morality, and general information, into every cottage in this wide extent of Territories and States! Behold it as the asylum where the wretched and the oppressed find a refuge and support! Look on this picture of happiness and honor, and say, WE, TOO, ARE CITIZENS OF AMERICA—Carolina is one of these proud States: her arms have defended—her best blood has cemented this happy Union!

And then add, if you can, without horror and remorse—this happy union we will dissolve—this picture of peace and prosperity we will deface—this free intercourse we will interrupt—these fertile fields we will deluge with blood—the protection of that glorious flag we renounce—the very name of Americans we discard. And for what, mistaken men! for what do you throw away these inestimable blessings—for what would you exchange your share in the advantages and honor of the Union? For the dream of a separate independence—a dream interrupted by bloody conflicts with your neighbors, and a vile dependence on a foreign power. If your leaders could succeed in establishing a separation, what would be your situation? Are you united at home—are you free from the apprehension of civil discord, with all its fearful consequences? Do our neighboring republics, every day suffering some new revolution or contending with some new insurrection—do they excite your envy? But the dictates of a high duty oblige me solemnly to announce that you cannot succeed. The laws of the United States must be executed. I have no discretionary power on the subject—my duty is emphatically pronounced in the Constitution. Those who told you that you might peaceably prevent their execution, deceived you—they could not have been deceived themselves. They know that a forcible opposition could alone prevent the execution of the laws, and they know that such opposition must be repelled. Their object is disunion: but be not deceived by names: disunion, by armed force, is TREASON. Are you really ready to incur its guilt? If you are, on the heads of the instigators of the act be the dreadful consequences—on their heads be the dishonor, but on yours may fall the punishment—on your unhappy State will inevitably fall all the evils of the conflict you force upon the Govern-

ment of your country. It cannot accede to the mad project of disunion of which you would be the first victims—its first Magistrate cannot, if he would, avoid the performance of his duty—the consequence must be fearful for you, distressing to your fellow citizens here, and to the friends of good government throughout the world. Its enemies have beheld our prosperity with a vexation they could not conceal—it was a standing refutation of their slavish doctrines, and they will point to our discord with the triumph of malignant joy. It is yet in your power to disappoint them. There is yet time to show that the descendants of the Pinkneys, the Sumpters, the Rutledges, and of the thousand other names which adorn the pages of your revolutionary history, will not abandon that Union, to support which, so many of them fought, and bled, and died. I adjure you as you honor their memory—as you love the cause of freedom, to which they dedicated their lives—as you prize the peace of your country, the lives of its best citizens, and your own fair fame, to retrace your steps. Snatch from the archives of your State the disorganizing edict of its Convention—bid its members to re-assemble and promulgate the decided expressions of your will to remain in the path which alone can conduct you to safety, prosperity and honor; tell them that compared with disunion, all other evils are light, because that brings with it an accumulation of all—declare that you will never take the field unless the star-spangled banner of your country shall float over you—that you will not be stigmatized when dead, and dishonored and scorned while you live, as the authors of the first attack on the Constitution of your country!—Its destroyers you cannot be. You may disturb its peace—you may interrupt the course of its prosperity—you may cloud its reputation for stability—but if your tranquillity will be restored, its prosperity will

return, and the stain upon its national character will be transferred, and remain an eternal blot on the memory of those who caused the disorder.

Fellow citizens of the United States! The threat of unhallowed disunion—the names of those, once respected, by whom it is uttered—the array of military force to support it—denote the approach of a crisis in our affairs on which the continuance of our unexampled prosperity, our political existence, and perhaps that of all free governments, may depend. The conjuncture demanded a free, a full, and explicit enunciation, not only of my intentions but of my principles of action; and as the claim was asserted, of a right by a State to annul the laws of the Union, and even to secede from it at pleasure, a frank exposition of my opinions in relation to the origin and form of our government, and the construction I give to the instrument by which it was created, seemed to be proper. Having the fullest confidence in the justness of the legal and constitutional opinion of my duties which has been expressed, I rely with equal confidence on your undivided support in my determination to execute the laws—to preserve the Union by all constitutional means—to arrest, if possible, by moderate but firm measures, the necessity of a recourse to force; and, if it be the will of Heaven that the recurrence of its primeval curse on man for the shedding of a brother's blood should fall upon our land, that it be not called down by any offensive act on the part of the United States.

Fellow-citizens! The momentous case is before you. On your undivided support of your government depends the decision of the great question it involves, whether your sacred Union will be preserved, and the blessing it secures to us as one people shall be perpetuated. No one can doubt that the unanimity with which that decision

will be expressed, will be such as to inspire new confidence in republican institutions, and that the prudence, the wisdom, and the courage which it will bring to their defence, will transmit them unimpaired and invigorated to our children.

May the great Ruler of nations grant that the signal blessings with which He has favoured ours, may not by the madness of party or personal ambition be disregarded and lost: and may His wise Providence bring those who have produced this crisis, to see the folly, before they feel the misery of civil strife; and inspire a returning veneration for that Union, which, if we may dare to penetrate His designs he has chosen as the only means of attaining the high destinies to which we may reasonably aspire.

In testimony, whereof, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

Done at the City of Washington this 10th day of December, in the year of our Lord one thousand eight hundred and thirty-two, and of the Independence of the United States the fifty-seventh.

ANDREW JACKSON.

By the President:

EDW. LIVINGSTON,

Secretary of State.

The proclamation of President Jackson gave great umbrage to the disunionists of South Carolina. Governor Hayne issued a counter-proclamation, in which he unequivocally maintained the sentiments that had been previously adopted by the nullification party, and proclaimed that a forcible resistance to the laws of the Union would be ultimately made. But the threatenings of these infatuated men have never yet been executed, and, happily for

our country, the storms of civil commotion which menaced the safety of our invaluable Union are hushed, and internal quietude, peace, and unbounded prosperity, are again the peculiar blessings of the American Republic.

The inauguration of General Jackson to his second term of office took place on the 4th March, 1833, with the ceremonies usual on similar occasions. The following is his brief, though appropriate inaugural address.

INAUGURAL ADDRESS.

Of the President of the United States.

4th March, 1833.

Fellow Citizens:

The will of the American People, expressed through their unsolicited suffrages, calls me before you to pass through the solemnities preparatory to taking upon myself the duties of President of the United States for another term. For their approbation of my public conduct, through a period which has not been without its difficulties, and for this renewed expression of their confidence in my good intentions, I am at a loss for terms adequate to the expressions of my gratitude. It shall be displayed to the extent of my humble abilities, in continued efforts so to administer the Government, as to preserve their liberty and promote their happiness.

So many events have occurred within the last four years, which have necessarily called forth, sometimes under circumstances the most delicate and painful, my views of the principles and policy which ought to be pursued by the General Government, that I need on this occasion but allude to a few leading considerations, connected with some of them.

The foreign policy adopted by our Government soon

after the formation of our present Constitution, and very generally pursued by successive administrations, has been crowned with almost complete success, and has elevated our character among the nations of the earth. To do justice to all, and submit to wrong from none, has been, during my administration, its governing maxim; and so happy has been its results, that we are not only at peace with all the world, but have few causes of controversy, and those of minor importance, remaining unadjusted.

In the domestic policy of this government, there are two objects which especially deserve the attention of the people and their representatives, and which have been, and will continue to be, the subjects of my increasing solicitude. They are, the preservation of the rights of the States, and the integrity of the Union.

These great objects are necessarily connected, and can only be attained by an enlightened exercise of the powers of each within its appropriate sphere, in conformity with the public will constitutionally expressed. To this end, it becomes the duty of all to yield a ready and patriotic submission to the laws constitutionally enacted, and thereby promote and strengthen a proper confidence in those institutions of the several States and of the United States, which the people themselves have ordained for their own government.

My experience in public concerns, and the observation of a life somewhat advanced, confirm the opinions long since imbibed by me, that the destruction of our State governments or the annihilation of their control over the local concerns of the people, would lead directly to revolution and anarchy, and finally to despotism and military domination. In proportion, therefore, as the General Government encroaches upon the rights of the States, in the same proportion does it impair its own power and detract

from its ability to fulfil the purposes of its creation. Solemnly impressed with these considerations, my countrymen will ever find me ready to exercise my constitutional powers in arresting measures which may directly or indirectly encroach upon the rights of these States, or tend to consolidate a political power in the General Government. But of equal, and indeed of incalculable importance, is the Union of these States, and the sacred duty of all to contribute to its preservation by a liberal support of the General Government in the exercise of its just powers. You have been wisely admonished to "accustom yourselves to think and speak of the Union as of the palladium of your political safety and prosperity, watching for its preservation with jealous anxiety, discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of any attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts." Without union our independence and liberty would never have been achieved—without union they can never be maintained. Divided in twenty-four, or even a smaller number of separate communities, we shall see our internal trade burthened with numberless restraints and exactions; communications between distant points and sections obstructed, or cut off; our sons made soldiers to deluge with blood the fields they now till in peace; the mass of our people borne down and impoverished by taxes to support armies and navies; and military leaders at the head of their victorious legions becoming our lawgivers and judges. The loss of liberty, of all good government, of peace, plenty, and happiness, must inevitably follow a dissolution of the Union. In supporting it, therefore, we support all that is dear to the freeman and the philanthropist.

The time at which I stand before you is full of rest. The eyes of all nations are fixed on our republ . The event of the existing crisis will be decisive in the opinion of mankind, of the practicability of our federal system of government. Great is the stake placed in our hands; great is the responsibility which must rest upon the people of the United States. Let us realize the importance of the attitude in which we stand before the world. Let us exercise forbearance and firmness. Let us extricate our country from the dangers which surround it, and learn wisdom from the lessons they inculcate.

Deeply impressed with the truth of these observations, and under the obligation of that solemn oath which I am about to take, I shall continue to exert all my faculties to maintain the just powers of the Constitution, and to transmit unimpaired to posterity the blessings of our federal Union. At the same time, it will be my aim to inculcate by my official acts, the necessity of exercising, by the General Government, those powers only that are clearly delegated; to encourage a simplicity and economy in the expenditures of the government; to raise no more money from the people than may be requisite for these objects, and in a manner that will best promote the interests of all classes of the community, and of all portions of the Union. Constantly bearing in mind, that in entering into society, "individuals must give up a share of liberty to preserve the rest," it will be my desire so to discharge my duties as to foster with our brethren in all parts of the country, a spirit of liberal concession and compromise; and by reconciling our fellow-citizens to those partial sacrifices which they must unavoidably make, for the preservation of a greater good, to recommend our invaluable government and Union to the confidence and affections of the American People.

Finally, it is my most fervent prayer, to that Almighty Being before whom I now stand, and who has kept us in his hands from the Infancy of our Republic to the present day, that He will so overrule all my intentions and actions, and inspire the hearts of my fellow-citizens, that we may be preserved from dangers of all kinds, and continue forever a UNITED AND HAPPY PEOPLE.

Of the person and character of General Jackson, we give what has been heretofore faithfully delineated. In person he is remarkably tall, erect, and thin. His weight bears no proportion to his height, and his conformation appears to disqualify him for hardship; yet, accustomed to it from early life, few are capable of enduring fatigue to the same extent, or with less injury. His dark blue eyes, with brows arched, and slightly projecting, possess a marked expression; but when from any causes excited, they sparkle with peculiar lustre and penetration. In his manners he is pleasing—in his address commanding; while his countenance, marked with firmness and decision, beams with a strength and intelligence that strikes at first sight. In his deportment, there is nothing repulsive. Easy, affable, and familiar, he is accessible to all. Influenced by the belief that merit should constitute the only difference in men, his attention is equally bestowed on honest poverty and titled consequence. No man, however inconsiderable his standing, ever approached him on business, that he did not patiently listen to his story, and afford him all the information in his power. His moral character is without reproach, and by those who know him most intimately, he is most esteemed. Benevolence in him is a prominent virtue. He was never known to pass distress without seeking to relieve it. The truth of this remark is admirably illustrated in the following anecdotes:

A young missionary, from the Dutch reformed church, while on his way some years ago to his station among some of the western Indians, fell sick near Nashville, Tennessee. His funds were small, and the Classis of Albany, or thereabouts, from which he came, were slow in remittances. His money soon went away for medicine and boarding; his horse followed; and after a while he had little remaining of the things of this world but a relapsed bilious fever, and a scanty pair of saddle bags. He called his landlord, and announced his condition: his remnant of clothing, he said, would scarcely defray the expenses of his burial: and if he continued longer a living inmate of the tavern, it must be without the hope of compensation to those around him. The innkeeper was embarrassed; for his own slender means did not invite to the exercise of costly hospitality; yet his conscience refused to turn the sick stranger from his house. A plan at last struck him for the relief of both parties: "You must be carried," he said, "to the Hermitage, to General Jackson's." It was, indeed, a severe trial for the young missionary, to become the volunteer guest of so formidable a personage, one of whose dark and bloody deeds such frightful relations had been made. But there was no alternative: he had no right to remain where he was; and when the general's carriage arrived to convey him away, he entered it with a determined feeling of a martyr. His disease was violent and obstinate; but after a fortnight of almost unremitting delirium, during which his imagination was busy with scalps, and tomahawks, and deeds of blood, his constitution triumphed. Awaking to a consciousness of his situation, he found himself in an airy, comfortable apartment, where every thing was quiet, simple, and unostentatious. The elderly matron, who sat watching silently by his pillow, might have served for a model of that charity, which suffereth long and

is kind; and her venerable partner, who came in soon after, had nothing about him of the fierce and vindictive expression, with which a morbid fancy had painted him. As his strength returned, the stranger had many opportunities of studying the character of his host, and of observing the estimation in which others held him. He saw him frank, intelligent, and kind-hearted; the guardian of the orphan, the adviser of the friendless, and the favorite depository of all those trusts, which are considered most responsible and sacred among men. He found his house the refuge of the widow and the poor, and his table the pattern of the simple but cordial hospitality of the west. He stood with him in the morning and evening circle of family devotion, and heard him pray for the forgiveness of his enemies. He smiled at his own delusion, as he contrasted the excellent old chief with the portrait which his imagination had delineated. Some four weeks afterwards, the young clergyman was seen, renewed in health, well mounted, and his purse well filled by the general's liberality, plodding his way to the missionary station. His first letter to his friends told of all these things, and invoked the blessings of Heaven on the good Samaritan who had relieved him in his hour of need.

Another illustration of the warmth and benevolence of his heart is exhibited in his visit to the orphan asylum at Washington, soon after he assumed the duties of chief magistrate. This asylum is under the supervision of a most amiable order of religious women, denominated the "sisters of charity." They are chiefly known for their maternal care of the sick, but the instruction of youth forms a prominent object in their beneficent vocation. This institution, at which twenty-three orphan girls were supported and educated, and about thirty day scholars received instruction, being considerably in debt, a number of pious ladies undertook the conduct of a fair for its re-

lief. It being ascertained that the president elect intended to assist at the charitable enterprise, the little supplicants for the bounty of the public, determined to prepare for him an appropriate reception. Accordingly, as in his progress through the crowded rooms he approached the principal table, about fifty young female voices burst forth in the following stanzas, which, if they may not be of the highest order of poetry, yet are duly characterized by two of its essential attributes, truth and appropriate feeling.

He comes! the chief—his country's defender—
The boast of the free and the pride of the brave—
Hist'ry has written his name in splendor,
The hero who fought his country to save.

Then weave for his brow the laurel's green leaf,
For deeds in the field his valor has won—
Then weave for his brow the oak's civic wreath
For the hero, the sage, Columbia's son.

Ah! check'd is our joy—the tender vine 's gone,
So sweetly that hung on the boughs of the pine—
The *mother of orphans* for ever we'll mourn,
Sorrow in cypress our hearts shall entwine!

At this sudden and delicate allusion to his deceased partner, the veteran's firmness failed—he burst into tears. That voice which had often swelled upon the roar of battle, inciting his soldiers to victory, was choked with deep emotion. At length, subduing his feelings with a powerful effort, he grasped the hand of the nearest orphan and exclaimed, "Yes my child, I will be a father to you." A liberal benefaction afforded proof of his sincerity.

It is imputed to General Jackson, that he derives from his birth a temper irritable and hasty, which has had the effect to create enemies, and involve him in disputes. In him, however, these defects of character exist to an extent as limited as with most men; and the world is in error in presuming him under a too high control of feel

ing and passion. A fixed devotion to those principles which honor sanctions, renders him scrupulously attentive to his promises of every description.

No man has been more misconceived in character. Many, on becoming acquainted with him, have been heard to admit the previous opinions which they had entertained, and how great had been their mistake. Rough in appearance, positive and overbearing in his manner, are what all, upon a first introduction, expect to find; and yet none are possessed of milder manners, or of more conciliating address. The public situations in which he has been placed, and the circumstances which surrounded him, are doubtless the cause that those opinions have become so prevalent; but they are opinions which an acquaintance with him tends to remove. The difficulties under which he labored at New Orleans, were such as might well have perplexed, and thrown the mind aside from every thing of mildness.

Light and trifling pleasantries often mark character as distinctly as things of consequence. General Jackson one day, during the siege of New Orleans, was approached by an officer of the militia, who stated his desire to leave the service, and return home; for that he was made *game of*, and called by the company, *pewter foot*. He manifested great concern, and an anxious desire to be relieved from his unpleasant situation. The general, with much apparent sympathy for him, replied, that he had ascertained there was a practice in the camp of giving nicknames; and had understood too, that very many had dared to call him *Old Hickory;* "Now," said he, "if you prefer mine, I am willing to exchange; if not, remain contented, and perform your duty faithfully, and, as soon as we can get clear of those troublesome British, our wrongs shall be inquired into by a court-martial, and the authors punished; for then, and not till then, shall we have an end of

those insults." The effect was happy, and induced the complaining officer to retire, perfectly satisfied to learn, that his grievance would be united with the general's, and both ere long be effectually redressed.

General Jackson possesses ambition, but it rests on virtue; an ambition which, regulated by a high sense of honorable feeling, leads him to desire that "applause which follows good actions—not that which is run after." No man is more ready to hear and respect the opinions of others, and none, where much is at stake, and in conflict with his own, less disposed to be under their influence. He has never been known to call a council of war, whose decisions, when made, were to shield him from censure. His council of war, if doubting himself, was a few officers, in whom he fully confided, whose advice was regarded if their reasons were conclusive; but, these not being satisfactory, he at once adopted and pursued the course suggested by his own mind.

It is well known, many apprehended that our government, under the administration of General Jackson, would pass to a military despotism. No fears were ever more groundless. Mr. Robertson, an eminent foreign writer, from whom, when he expresses sentiments commendatory of our institutions and distinguished characters, we may look with confidence for impartiality, in closing his sketch of General Jackson, remarks: "He has now administered the government for nearly three years, and has shown nothing of the disposition to act the military chieftain. No gens d'arms guard his door, no halberdiers his person. He has never as yet amused the good citizens of Washington with a military execution, himself preceded by laurelled lictors with their fasces and axes, and with the *master* of the *horse* at his heels. If the apprehensions of those who foretold such things were honest, they are happily disappointed. If they mistook not

the man, as I believe they did, they certainly misunderstood the genius of the people. They forgot the omnipotence of public opinion in a great and a free country. Every thing political must be shaped by it, every thing exist by it. Public opinion may be as volatile as the air around us, but nevertheless as vital to republican institutions as that is to animal life. Mind in this country is operating upon mind, and opinion struggling with opinion for light and knowledge. Every faculty of man is in a state of improvement. Intelligence meets with, and combats ignorance, and ignorance becomes illumined by the conflict, infidelity is overcome by faith, and truth elicited by error. In such a state, while every man is testing his own powers, and examining the rights and capacities of others, and attempting to place all things on the basis of philanthropy and justice, although there may be a good share of evil abroad, yet the dread of the talents, fame, or influence of any one man, is not one of these evils.

"If military ambition once burned in the breast of General Jackson, it should be recollected that he has reached that period of life, when the flame would begin to diminish. He is more than double the age of Alexander when he died, and much older than Caesar when he fell Age always holds on what it has gained, but seldom desires to make exertions for new honors, particularly military ones. I have entered into this subject more particularly, not that I ever thought he would give the nation a military cast of character, any more than a civilian, but because the politicians of England; and in fact in all Europe, affected to believe that this nation was rapidly passing to a military despotism, because they had elected General Jackson for their president, and argued from it the downfall of the liberties of the country, citing ancient instances of the insatiable appetite of military chieftains.

There is no parallel in the cases—there is no force in the argument."

The exalted reputation acquired by General Jackson in the field, has been admirably sustained in the cabinet. It has been remarked with much truth, that, "under his administration, frauds have been detected and purged—extravagances have been suppressed—monopolies ruined—privileged orders exposed—the national debt reduced—the authority of the state governments, and the rights of individuals, have not been invaded—interference in religions avoided—advantageous treaties with civilized powers, and with the Indian tribes, have been negotiated and ratified—and the constitution reverenced."

Having thus imperfectly sketched the prominent incidents in the career of this remarkable individual, we are now arrived at that point where our relation must cease. We have seen him in every varied scene that checkers the course of human existence—in every situation that develops the energies of the human mind—tries its firmness—tests its fortitude, and reveals its hidden springs of action. From the undaunted stripling in the ranks of our revolutionary fathers—the sole survivor of his kindred who fell in that sanguinary conflict, we have seen the insulated, unfriended child of fortune, rise by his own energies to the acme of military renown; thence onward to the period when the confidence and gratitude of his country made him the recipient of the choicest favour in her bestowment; and his stern integrity, firmness of purpose, unwavering courage, soundness of judgment, uprightness of heart, and love of his country, have been admirably manifested in all the leading incidents of his eventful life, and have proclaimed him the fearless asserter and defender of the rights of man.

He still presides over our united country, and the close

of his present term of office will probably restore him to the Hermitage, on the banks of the Cumberland, in the quietude of that delightful seclusion, to await, in the calmness of conscious rectitude and honour, the close of his brilliant and eventful day.

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